

PROCEEDINGS OF THE COMMON COUNCIL  
IN REGULAR SESSION  
TUESDAY, FEBRUARY 13, 1979

CITY OF FORT WAYNE, INDIANA  
JOURNAL OF THE PROCEEDINGS  
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council

Chambers Tuesday evening February 13 A.D., 19 79, in  
Regular Session. President Winfield C. Moses, Jr in the chair,  
and Charles W. Westerman Clerk, at the desk, present the following  
members viz:

BURNS ✓, HINGA ✓, HUNTER ✓,  
MOSES ✓, NUCKOLS ✓, DONALD SCHMIDT ✓,  
VIVIAN SCHMIDT ✓, STIER ✓, TALARICO ✓,  
ABSENT \_\_\_\_\_

COUNCILMAN \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

The invocation was given by Rev. Kenneth Smith

The invocation was given by Rev. Jennick Smith  
Pastor Wayne Street United Methodist.

Received report from the City Controller for the month of

19 \_\_\_\_\_. Motion made and carried that report be made a matter of record and placed on file.

The minutes of the last Regular January 23, 19 79,

\_\_\_\_\_, 19\_\_\_\_,

Special \_\_\_\_\_, 19\_\_\_\_,

Session having been delivered to the Council, were, on motion, approved and published.



## THE CITY OF FORT WAYNE

office of city plan commission

22 January 1979

### COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-78-10-35

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
22nd day of January 1979.

Luben Lazoff  
Secretary

MADE A MATTER OF RECORD  
2-13-79  
DATE CHARLES W. WESTMAN, CITY CLERK



## THE CITY OF FORT WAYNE

office of city plan commission

22 January 1979

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held November 27, 1979. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-78-10-35
2. From "RB" to "B1B"
3. Intended Use: Fred Myers Piano Store
4. Plan Commission Recommendation: DO PASS with Conditions.

This ordinance received a DO PASS recommendation for the following reason:

- a. This request is a logical extension of a commercial district.

#### CONDITIONS:

- a. All of the property described in this petition will be served by one common access on Coldwater Road.
- b. A landscape screen or decorative fence 7 feet in height will be constructed along the East property line prior to any commercial occupancy.

If there are any questions with regard to this ordinance please feel free to call on us.

Respectfully submitted,

CITY PLAN COMMISSION

*Gary F. Baeten* (signature)

Gary F. Baeten  
Senior Planner

GFB:pb

SEE ATTACHED LETTER OF AGREEMENT ON ABOVE MENTIONED CONDITIONS

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 24, 1978, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-78-10-35; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 20, 1978;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall City Plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

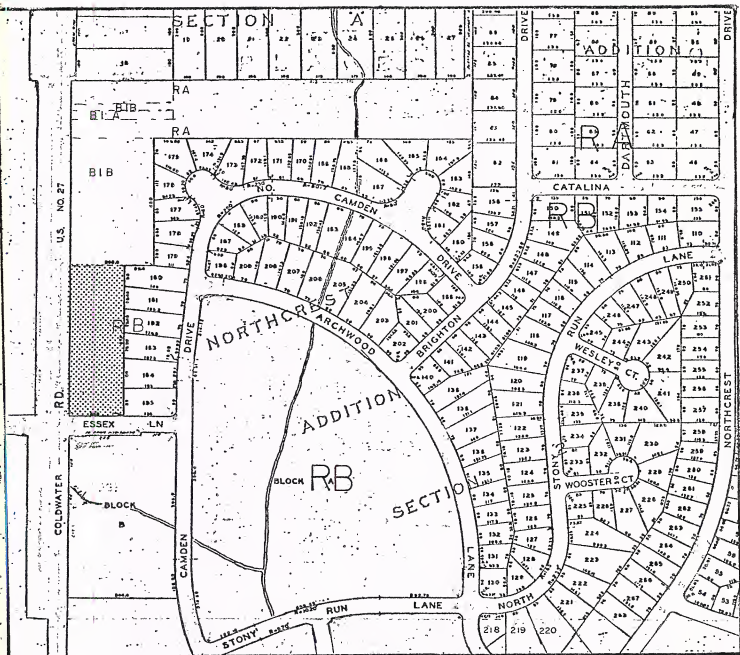
This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 27, 1978.

Certified and signed this  
22nd day of January 1979.

A handwritten signature in cursive script, reading "Luben Lazoff", written over a horizontal line.

Luben Lazoff  
Secretary





REZONE FROM RB TO BIB

MAP NO. N-34

Z-78-10-35

BY M.F. CROSLY 10-9-78



January 4, 1979

City Plan Commission  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46802

Re: Bill No. Z-78-10-35  
From: "RB" to "B-1-B"

Dear Sirs:

This letter is in response to your letter of December 4, 1978, setting forth the conditions for your "Do Pass" recommendation on the above zoning change.

I agree to the following conditions:

1. All of the property described in this petition will be served by one common access on Coldwater Road. I will grant the necessary easements to the adjoining property owners to accomplish this.
2. I consent to the construction of a landscape screen or decorative fence 7 feet in height along the east property line. This will be constructed prior to any commercial occupancy.

Very truly yours,

  
Gong Chen

January 4, 1979

City Plan Commission  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46802

Re: Bill No. Z-78-10-35  
From: "RB" to "B-1-B"

Dear Sirs:

This letter is in response to your letter of December 4, 1978, setting forth the conditions for your "Do Pass" recommendation on the above zoning change.

I agree to the following conditions:

1. All of the property described in this petition will be served by one common access on Coldwater Road. I will grant the necessary easements to the adjoining property owners to accomplish this.
2. I consent to the construction of a landscape screen or decorative fence 7 feet in height along the east property line. This will be constructed prior to any commercial occupancy.

Very truly yours,

  
\_\_\_\_\_  
Paul C. Harrold

  
\_\_\_\_\_  
Martha L. Harrold

1301  
FRED MYERS PIANO COMPANY  
3720 South Calhoun Street  
Fort Wayne, Indiana 46807

January 4, 1979

City Plan Commission  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46802

Re: Bill No. Z-78-10-35  
From: "RB" to "B-1-B"

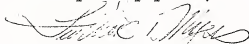
Dear Sirs:

This letter is in response to your letter of December 4, 1978, setting forth the conditions for your "Do Pass" recommendation on the above zoning change.

I agree to the following conditions:

1. All of the property described in this petition will be served by one common access on Coldwater Road. I will grant the necessary easements to the adjoining property owners to accomplish this.
2. I consent to the construction of a landscape screen or decorative fence 7 feet in height along the east property line. This will be constructed prior to any commercial occupancy.

Very truly yours,



Fredrick D. Myers  
Successor in Title to  
Eileen D. Mee, Sylvester Reinig  
and Elva Reinig



## THE CITY OF FORT WAYNE

office of city plan commission

25 January 1979

### COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated street.

The proposed ordinance is designated as:

Bill No. G-78-10-07

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
25th day of January 1979.

*Thomas Adams* (signature)

Thomas Adams  
Secretary

2-13-79  
DATE \_\_\_\_\_ MADE A MATTER OF RECORD  
CHARLES W. WESTERMAN, CITY CLERK



## THE CITY OF FORT WAYNE

office of city plan commission

25 January 1979

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) street vacation ordinance acted upon by the City Plan Commission at their regular meeting held November 27, 1978. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-78-10-07
2. Intended Use: City Park
3. Plan Commission Recommendation: DO PASS with Condition.

This ordinance received a DO PASS recommendation for the following reason:

- a. The proposed park can more safely be utilized by eliminating this portion of Nelson Street which presently bi-sects the proposed park.

### CONDITION:

The dedication of a utility easement over the vacated portion of Nelson Street.

If there are any questions with regard to this ordinance, please feel free to call on us.

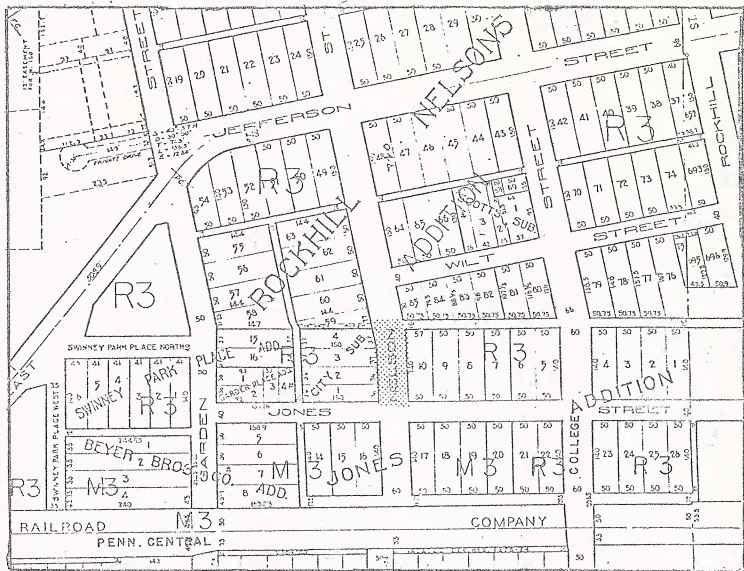
Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

Gary F. Baeten  
Senior Planner

GFB:pb

SEE ATTACHED EASEMENT AGREEMENT.



■ VACATE STREET

MAP NO. K-2

6-78-10-07

BY M.F.C. 8-1-78

GRANT OF EASEMENT

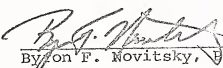
KNOW ALL MEN BY THESE PRESENTS that the Board of Park Commissioners of the City of Fort Wayne hereby grants and conveys to the Northern Indiana Public Service Company, Indiana and Michigan Electric Company, General Telephone Company, and the City of Fort Wayne, a utility easement, over, across, under and through a vacated street in the City of Fort Wayne, County of Allen, State of Indiana, hereinafter described:

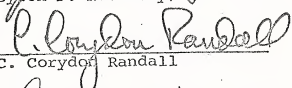
Nelson Street from the north right-of-way of Jones Street, to the north right-of-way of the first east-west alley, lying south of Wilt Street. Total amount of vacation: 156 feet - located between Lot #10 and vacated alley of Jones Addition, and Lots #1, 2, 3, & 4 and vacated alley of City Sub-division.


The Grantee, for itself, its heirs and assigns, covenants with Grantor that Grantee will pay for any damages done during the construction, installation, maintenance or repair of its gas lines, electric power transmission lines, pipe lines, telephone lines, poles, wires and cables, and will restore the service of the ground in as good condition as when entered upon by the Grantee or its agents. Said Grantee shall use the rights granted above with due regard to the rights of others and their use thereof, and shall not use the utility easement in anyway that will impair the rights of others to use it, and shall not obstruct passage thereon.


IN WITNESS WHEREOF the Grantor, by its members, has executed this instrument, this 18 day of January, 1979.

BOARD OF PARK COMMISSIONERS


  
Byron F. Novitsky, President

  
C. Corydon Randall

  
Mrs. Audrey Sharpe

  
C. Philip Andorfer

ATTEST:

  
Robert C. Arnold, Secretary

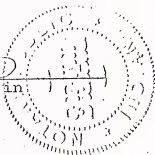


STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

Before me, the undersigned, a Notary Public in said County and State, this 18 day of January, 1979, personally appeared Byron F. Novitsky, C. Corydon Randall, Audrey Sharpe and C. Philip Andorfer, and attested by Robert C. Arnold, Secretary, all being members of the Board of Park Commissioners, and acknowledged the execution of the above and foregoing Grant of Easement as their voluntary act and deed.

In witness whereof, I have hereunto subscribed my name and affixed my Seal.

*Angela Deshaies*  
Notary Public, Residing in  
Allen County, Indiana



My Commission expires:

June 28, 1980

This instrument prepared by Kenneth L. Scroggins

RESOLUTION

WHEREAS, the BOARD OF PARK COMMISSIONERS for the City of Fort Wayne, Indiana, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street in Fort Wayne, Allen County, to-wit:

Nelson Street, from the north right-of-way of Jones Street, to the north right-of-way of the first east-west alley, lying south of Wilt Street. Total amount of vacation: 156 feet - located between Lot #10 and vacated alley of Jones Addition, and Lots #1, 2, 3 & 4 and vacated alley of City Subdivision

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on November 20, 1978 at 7:30 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public street.

WHEREAS, said vacation of the street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.


BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of street in Allen County, Indiana.

STATE OF INDIANA) }  
COUNTY OF ALLEN ) SS:

I, Thomas Adams, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing on said Commission held November 27, 1978, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 25th DAY OF January 1979

FORT WAYNE CITY PLAN COMMISSION

  
Thomas Adams  
Secretary

WHEREAS, the BOARD OF PARK COMMISSIONERS has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street situated in Fort Wayne, Allen County, to-wit:

Nelson Street, from the north right-of-way of Jones Street, to the north right-of-way of the first east-west alley, lying south of Wilt Street. Total amount of vacation: 156 feet - located between Lot #10 and vacated alley of Jones Addition, and Lots 1, 2, 3 & 4 and vacated alley of City Subdivision

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of Nelson Street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

COUNTY OF ALLEN )

SS:

I, Henry P. Wehrenberg Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at a meeting held on January 24, 1979 and as same appears of record in the official records of said Board of Public Works.

DATED THIS

24<sup>th</sup>

DAY OF

January 19 79

FORT WAYNE BOARD OF PUBLIC WORKS

Henry P. Wehrenberg  
Henry P. Wehrenberg, Chairman

Ethel H. LaMar  
Ethel H. LaMar, Member

Max G. Scott  
Max G. Scott, Member



## THE CITY OF FORT WAYNE

office of city plan commission

6 February 1979

### COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated alley.

The proposed ordinance is designated as:

Bill No. G-78-09-15

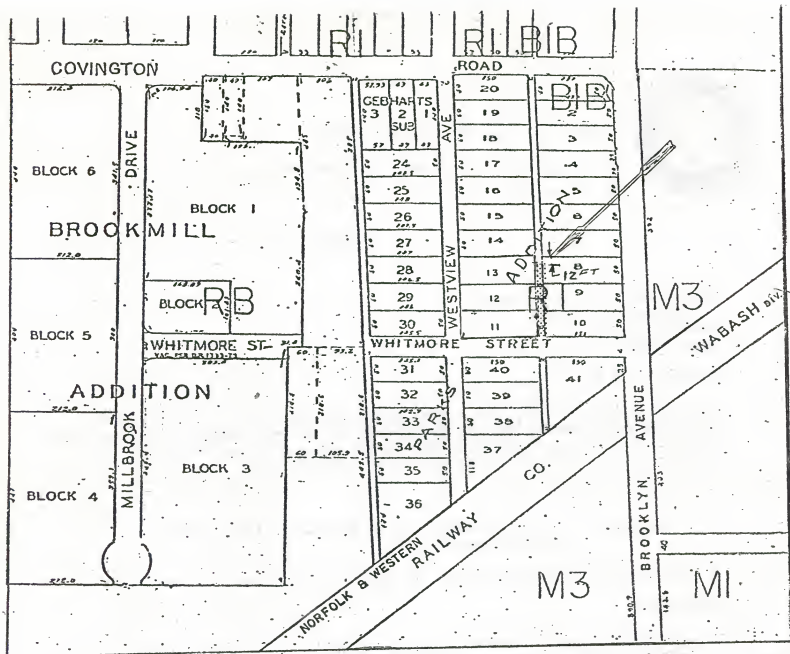
Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
6th day of February, 1979.

*Thomas Adams*  
Thomas Adams  
Secretary

2-13-79  
MADE A MATTER OF RECORD  
DATE \_\_\_\_\_ CHAIRMAN



VACATE ALLEY

MAP NO. J-7

G-78-09-15

BY M.F.C. 5-16-78





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

6 February 1979

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) alley vacation ordinance acted upon by the City Plan Commission at their regular meeting held October 23, 1978. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-78-09-15
2. Intended Use: Vacated property will be utilized by the abutting property owners.
3. Plan Commission Recommendation: DO PASS with conditions.


### CONDITIONS:

- a. The petitioner will dedicate a 12' alley along the north line of Lot #13 between Westview Avenue and the North-South alley being vacated.
- b. The petitioner should attempt to acquire a corner cut on the southeast corner of Lot #14 to allow easier turning ability for garbage collection. If the corner cut cannot be acquire the first condition should be changed to 14'.
- c. The south right-of-way of the new alley along the north side of Lot #13 shall be fenced and the east line of Westview abutting Lots 11, 12 and 13.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

  
Gary F. Baeten  
Senior Planner

SEE ATTACHED LETTER OF  
AGREEMENT TO CONDITIONS.

GFB:pb

JASPER & SONS, INC.

Truck Sales & Service Specialists

PHONE 219/432-9425 • 2750 BROOKLYN AVE. • FORT WAYNE, INDIANA 46804

January 29, 1979

Mr. Gary F. Baeten  
The City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46802

Dear Gary,

In reference to vacation of the alley as described in Bill # G-78-09-15, we will meet the following conditions.

One; We will dedicate a 14 ft. alley along the north line of lot # 13, between Westview Avenue and the North-South Alley being vacated.

Two; The south right-of-way, of the new alley, along the north side of lot # 13, shall be fenced and the East Line of Westview Avenue abutting lots # 11, 12, and 13, shall be fenced.

Jasper and Sons, Inc. agree to these conditions and will start construction of the fencing as soon as the weather will permit.

Thank you for your help and consideration.

Very Truly Yours,

*Ron P. Jasper*  
Ronald P. Jasper, Pres.  
Jasper and Sons, Inc.

(Bill NO. R-79-01-22)  
RESOLUTION NO. R-03-79

A RESOLUTION authorizing payment to various agencies for repair of various vehicles

(Bill No. Z-78-10-32)  
ZONING MAP ORDINANCE NO. Z-07-79

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. I-26

(Bill No. Z-78-11-21)  
ZONING MAP ORDINANCE NO. Z-08-79

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. P-2

(Bill No. S-78-12-11)  
SPECIAL ORDINANCE NO. S-18-79

AN ORDINANCE approving City Utilities Purchase Order No. 0490 with Allen County Motors, Inc. for vehicles for the Meter Reading Department

(Bill No. S-79-01-12)  
SPECIAL ORDINANCE NO. S-19-79

AN ORDINANCE approving a contract for Water Contract No. 78-XP-2 between the City of Fort Wayne, Indiana and the Orchard Ridge Country Club for construction of a water main

(Bill No. S-79-01-13)  
SPECIAL ORDINANCE NO. S-20-79

AN ORDINANCE approving Change Order No. 5 in connection with Contract No. 77-W-1

(Bill No. S-79-01-14)  
SPECIAL ORDINANCE NO. S-21-79

AN ORDINANCE approving City Utilities Purchase Order No. 0720 with V.R. Myers Pump for equipment for the Water Maintenance & Service Department

(Bill No. S-79-01-15)  
SPECIAL ORDINANCE NO. S-22-79

AN ORDINANCE approving City Utilities Purchase Order No. 0715 with I.B.M. Corporation for lease of equipment for Data Processing Department



(Bill No. S-79-01-16)  
SPECIAL ORDINANCE NO. S-23-79

AN ORDINANCE approving City Utilities Purchase Order No. 0546 with Double Envelope for supplies for the Office Service Department

(Bill No. S-79-01-17)  
SPECIAL ORDINANCE NO. S-24-79

AN ORDINANCE approving Change Order No. 1 in connection with Sewer Resolution No. 298-1977

Respectfully yours,

Robert E. Armstrong  
Mayor



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

January 25, 1979

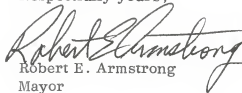
To the Common Council  
Gentlemen and Mrs. Schmidt:

Today, January 25, 1979, I have approved the following ordinance passed by  
Common Council at its regular meeting of January 23, 1979.

(Bill No. G-79-01-18)  
GENERAL ORDINANCE NO. G-03-79

AN ORDINANCE granting a non exclusive franchise to provide cable television  
service to the area known as Canterbury Green and environs in the City of  
Fort Wayne

Respectfully yours,

  
Robert E. Armstrong  
Mayor

METROPOLITAN HUMAN RELATIONS COMMISSION  
RATIFICATION AND ELECTION OF APPOINTMENT

January 30, 1979

Common Council Regular Session  
Council Chambers

The Common Council of the City of Fort Wayne, Indiana held on the above date during the Committee Session of the Common Council for the purpose of appointing two members to the Metropolitan Human Relations Commission.

The President of Common Council called for nominations and he received the nominations of Rikki Goldstein and Tony Cueller. The Chair recognized a move that the nominations be closed.

Therefore the election was confirmed and Rikki Goldstein and Tony Culler, were duly appointed to the Metropolitan Human Relations Commission.

ATTEST:

Charles W. Westerman  
City Clerk

2-13-79

MADE A MATTER OF RECORD



president of the common council

## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

james s. stier

councilman, 6th district

February 6, 1979

To the Common Council  
Fort Wayne, IN

Gentlemen and Mrs. Schmidt:

I shall be unable to attend this evening's meeting because of illness.

Respectfully yours,

James S. Stier  
Councilman, 6th District



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

donald j. schmidt

councilman, 2nd district

February 6, 1979

To the Common Council  
Fort Wayne, IN

Gentlemen and Mrs. Schmidt:

I will be unable to attend this evening's meeting, because  
of out of town commitments.

Sincerely,

Donald J. Schmidt  
Councilman, 2nd District

B. REGULATIONS COMMITTEE

JOHN NUCKOLS, CHAIRMAN  
SAMUEL J. TALARICO, VICE CHAIRMAN  
V. SCHMIDT, STIER, HINGA

---

G-78-10-07 AN ORDINANCE amending General Ordinance No. G-97  
by authorizing the vacation of a certain street

---

S-79-01-08 AN ORDINANCE amending Chapter 28, Sections 28-30  
(b), 28-5, 28-11, and 28-21 (b), and (c) of The  
Code of the City of Fort Wayne, Indiana of  
1974 concerning taxicabs, and adding a new  
Section 28-32 to said Code

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C. ANNEXATION COMMITTEE

JAMES S. STIER, CHAIRMAN  
WILLIAM T. HINGA, VICE CHAIRMAN  
V. SCHMIDT, NUCKOLS, TALARICO

---

X-77-05-23 AN ORDINANCE annexing certain territory  
to the City of Fort Wayne, and including  
the same in Councilmanic District No. 3  
(Ludwig Park)

---

Prepared by the  
Office of the  
City Clerk  
Charles W. Westerman

AGENDA

FORT WAYNE COMMON COUNCIL  
IN COMMITTEE SESSION  
TUESDAY  
FEBRUARY 6, 1979

ROOM 128 - COMMON COUNCIL CONFERENCE ROOM

2/2

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BURNS ✓, HINGA ✓, HUNTER ✓, MOSES ✓, NUCKOLS ✓,  
DONALD SCHMIDT A, VIVIAN SCHMIDT ✓, STIER A, TALARICO ✓

---

1. COMMUNICATION TO COUNCIL CHARLES W. WESTERMAN - CITY CLERK
  2. PRESIDENT'S REPORT TO COUNCIL
  3. ORDER OF GENERAL BUSINESS
    - a. Fire Merit Commission to appear before Common Council -  
will give a briefing regarding the commission
- 

4. STANDING COMMITTEE ASSIGNED ORDINANCE PENDING
- 

- 
- |    |                          |   |
|----|--------------------------|---|
| A. | <u>FINANCE COMMITTEE</u> | <u>VIVIAN G. SCHMIDT, CHAIRMAN</u><br><u>WILLIAM T. HINGA, VICE CHAIRMAN</u><br><u>STIER, NUCKOLS, D. SCHMIDT</u> |
|----|--------------------------|---|
- 

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S-79-01-01 AN ORDINANCE approving an Agreement to purchase  
Real Estate from Ron W. Bassett for Neighborhood  
Care, Inc.

---

S-79-01-03 AN ORDINANCE approving an Agreement to purchase  
Real Estate from Ron W. Bassett for Neighborhood  
Care, Inc.

Tony Burris - CD&P requested by Common Council  
to appear regarding the above ordinances

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THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 13th day of February, 19 79 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Charles W. Westerman / me  
Charles W. Westerman  
City Clerk



4347

Admn. Appr. \_\_\_\_\_

DIGEST SHEET

*S-79-01-01*

TITLE OF ORDINANCE Appropriation Ordinance

DEPARTMENT REQUESTING ORDINANCE C D & P NCI

SYNOPSIS OF ORDINANCE Allow Neighborhood Care, Inc. to purchase property

315 E. Creighton

EFFECT OF PASSAGE See attached sheet

EFFECT OF NON-PASSAGE See attached sheet

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \$850.00

ASSIGNED TO COMMITTEE (J.N.) \_\_\_\_\_

DATE SUBMITTED: December 14, 1978

ATTEST: (SEAL)

Charles W. Westerman      Winfield C. Moses, Jr.  
City Clerk                      Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 24th day of January, 1979, at the hour of 4:00 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. S-79-01-12

# REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving a contract for Water Contract No. 78-XP-2 between the City of Fort Wayne, Indiana and the Orchard Ridge Country Club for construction of a water main have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns  
Samuel J. Talarico  
Vivian G. Schmidt  
Donald J. Schmidt  
James S. Stier

Concurred in 1-23-79      Charles W. Westerman  
City Clerk

BILL NO. S-79-01-12

SPECIAL ORDINANCE NO. S-19-79

AN ORDINANCE approving a contract for  
Water Contract No. 78-XP-2 between  
the City of Fort Wayne, Indiana and the  
Orchard Ridge Country Club for  
construction of a water main

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That a certain contract, dated December 21, 1978,  
between the City of Fort Wayne, Indiana, by and through its Mayor and the  
Board of Public Works and the Orchard Ridge Country Club, for:

construction of 2760 + LF of 16" ductile iron water main  
west of the Lower Huntington Road-Ardmore Avenue inter-  
section, to serve the Orchard Ridge Country Club,

under Board of Public Works Water Contract #78-XP02, at a total cost of \$91,870.00,  
all as more particularly set forth in said contract which is on file in the Office  
of the Board of Public Works and is by reference incorporated herein and made  
a part hereof, be and the same is in all things hereby ratified, confirmed and  
approved.

SECTION 2. That this Ordinance shall be effective upon passage  
and approval by the Mayor.

Paul M. Burns  
Councilman

Read the third time in full and on motion by Burns, seconded by  
Hinga and Culy adopted, placed on its passage. Passed by the following  
vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,  
V. Schmidt, Stier, Talarico

Nays: None

Date: 1-23-79

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-19-79 on the 23rd day of January, 1979.

ATTEST: (SEAL)

Charles W. Westerman	Winfield C. Moses, Jr.
City Clerk	Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 24th day of January, 1979, at the hour of 4:00 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. s-79-01-13

#### REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving change order no. 5 in connection with Contract No. 77-W-1 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns  
Samuel J. Talarico  
Vivian G. Schmidt  
Donald J. Schmidt  
James S. Stier

Concurred in 1-23-79	Charles W. Westerman
	City Clerk

BILL NO. S-79-01-13

SPECIAL ORDINANCE NO. S-20-79

AN ORDINANCE approving Change Order No. 5  
in connection with Contract No. 77-W-1

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 5 to Hagerman Construction Corporation, in connection with Contract No. 77-W-1, Water Works Improvement Washwater Retention Basin, for:

addition of catch basin, corrugated metal pipe (CMP)  
discharge line with end section at east end of pavement  
to intercept run-off and carry it to the river,

in the amount of \$385.00, as set out in the specifications, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns  
Councilman

Read the third time in full and on motion by Burns, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Sier, Talarico

Nays: None

Date: 1-23-79

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-20-79 on the 23rd day of January, 1979.

ATTEST:

(SEAL)

Charles W. Westerman  
City Clerk

Winfield C. Moses, Jr.  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 24th day of January, 1979, at the hour of 4:00 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. S-79-01-14

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving City Utilities Purchase Order No. 0720 with V.R. Myers Pump for equipment for the Water Maintenance & Service Department have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns  
Samuel J. Talarico  
Vivian G. Schmidt  
Donald J. Schmidt  
James S. Stier

Concurred in 1-23-79 Charles W. Westerman  
City Clerk

BILL NO. S-79-01-14

SPECIAL ORDINANCE NO. S-21-79

AN ORDINANCE approving City Utilities  
Purchase Order No. 0720 with V. R. Myers  
Pump for equipment for the Water Maintenance  
& Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 0720, dated December 15, 1978, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and V.R. Myers Pump, for:

100 - 28" Charlotte valve boxes and 25 - 18" Charlotte  
valve boxes for Water Maintenance & Service Department,

at a cost of \$3,320.00 all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns  
Councilman

Read the third time in full and on motion by Burns, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,  
V. Schmidt, Stier, Talarico

Nays: None

Date: 1-23-79

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-21-79 on the 23rd day of January, 1979.

ATTEST:

(SEAL)

Charles W. Westerman  
City Clerk

Winfield C. Moses, Jr.  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana. on the 24th day of January, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 24th day of January, 1979, at the hour of 4:00 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. S-79-01-15

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving City Utilities Purchase Order No. 0715 with I.B.M. Corporation for lease of equipment for Data Processing Department have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns  
Samuel J. Talarico  
Vivian G. Schmidt  
Donald J. Schmidt  
James S. Stier

Concurred in 1-23-79 Charles W. Westerman  
City Clerk

BILL NO. S-79-01-15

SPECIAL ORDINANCE NO. S-22-79

AN ORDINANCE approving City Utilities  
Purchase Order No. 0715 with I.B.M.  
Corporation for lease of equipment  
for Data Processing Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 0715, dated December 13, 1978, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and I.B.M. Corp., for:



leasing of one IBM 3350 Model B2 direct access storage device for twenty-four months for Data Processing Dept.,

at a cost of \$1,035.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns  
Councilman

Read the third time in full and on motion by Burns, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 1-23-79

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-22-79 on the 23rd day of January, 1979.

ATTEST: (SEAL)

Charles W. Westerman      Winfield C. Moses, Jr.  
City Clerk                      Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 24th day of January, 1979, at the hour of 4:00 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. S-79-01-16

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving City Utilities Purchase Order No. 0546 with Double Envelope for supplies for the Office Services Department have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS ,

Paul M. Burns  
Samuel J. Talarico  
Vivian G. Schmidt  
Donald J. Schmidt  
James S. Stier

Concurred in 1-23-79 Charles W. Westerman  
City Clerk

BILL NO. S-79-01-16

SPECIAL ORDINANCE NO. S-23-79

AN ORDINANCE approving City Utilities  
Purchase Order No. 0546 with Double  
Envelope for supplies for the Office  
Services Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 0546, dated December 8, 1978, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Double Envelope for:

various printed envelopes for the various departments  
being serviced by Office Services Department,

at a cost of \$12,247.50, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in

all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns  
Councilman

Read the third time in full and on motion by Burns, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine  
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,  
V. Schmidt, Stier, Talarico  
Nays: None

Date: 1-23-79 Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-23-79 on the 23rd day of January, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 24th day of January, 1979, at the hour of 4:00 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. S-79-01-17

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving Change Order No. 1 in connection with Sewer Resolution No. 298-1977 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance  
DO PASS

Paul M. Burns  
Samuel J. Talarico  
Vivian G. Schmidt  
Donald J. Schmidt  
James S. Stier

Concurred in 1-23-79 Charles W. Westerman  
City Clerk

BILL NO. S-78-01-17

SPECIAL ORDINANCE NO. S-24-79

AN ORDINANCE approving Change Order No. 1  
in connection with Sewer Resolution No.  
297-1977

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 to Spears-Dehner, in connection with Sewer Resolution No. 298-77, Rothman-Maplecrest Roads, Sanitary Sewer Interceptor, for:

additional backfill, field tile replacement, cement lining  
and rip rag, due to fluid ground conditions throughout the  
project and also due to trench width,

in the amount of \$25,255.00, as set out in the specifications is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns  
Councilman

Read the third time in full and on motion by Burns, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,  
V. Schmidt, Stier, Talarico

Nays: None

Date: 1-23-79

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-24-79 on the 23rd day of January, 1979.

ATTEST:

(SEAL)

Charles W. Westerman  
City Clerk

Winfield C. Moses, Jr.  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 24th day of January, 1979, at the hour of 4:00 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. G-79-01-18

#### REPORT OF THE COMMITTEE ON CABLE TV

We, your Committee on Cable TV to whom was referred an Ordinance granting a non exclusive franchise to provide cable television service to the area known as Canterbury Green and environs in the City of Fort Wayne have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

William T. Hinga  
James S. Stier  
Fredrick R. Hunter  
Vivian G. Schmidt  
Paul M. Burns

Concurred in 1-23-79 Charles W. Westerman  
City Clerk

BILL NO. G-79-01-18

GENERAL ORDINANCE NO. G-03-79

AN ORDINANCE granting a non exclusive  
franchise to provide cable television  
service to the area known as Canterbury  
Green and environs in the City of Fort Wayne

WHEREAS, the City of Fort Wayne has previously adopted General Ordinance No. G-27-77 providing for the establishment of a cable communications system in the City of Fort Wayne, which existing ordinance is incorporated herein by reference, and which ordinance became effective on July 26, 1977; and

WHEREAS, prior to January 1, 1976, Citizens Cable of Allen County, Inc. had constructed cable television facilities and a cable television system, and was furnishing cable television service, to the areas known as Canterbury Green and Shoaff Park River Estates being bounded on the East by St. Joe Road, on the North by Shoaff Park, on the West by the St. Joseph River, and on the South by the Indiana-Purdue University of Fort Wayne; and

WHEREAS, on January 1, 1976, the said areas described above were annexed to the City of Fort Wayne, and Citizens Cable of Allen County, Inc. has continued to provide cable television service to said areas and now seeks to obtain a non-exclusive franchise under and pursuant to General Ordinance No. G-27-77, to permit it to continue to furnish such service to the area, and

WHEREAS, the existing cable system of Citizens Cable of Allen County, Inc. surrounds the area in the City known as the Fort Wayne State School and the area bounded by St. Joe Center Road, Evard Road and St. Joe Road, and Citizens Cable of Allen County, Inc. is willing to serve these areas; and,

WHEREAS, Citizens Cable of Allen County, Inc. now seeks a

non-exclusive franchise under Ordinance G-27-77, to serve said areas, and

WHEREAS, Citizens Cable of Fort Wayne, Inc., the franchisee under Ordinance G-27-77, has consented to the granting of the franchises sought by Citizens Cable of Allen County, Inc.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT WAYNE:

SECTION 1. Citizens Cable of Allen County, Inc. is hereby granted a non-exclusive franchise to provide cable television service utilizing its facilities and system to the areas known as Canterbury Green and Shoaff Park River Estates, being bounded on the East by St. Joe River, and on the South by Indiana-Purdue University of Fort Wayne, and to the Fort Wayne State School and to the area bounded by St. Joe Center, Reed Road, Evard Road and St. Joe Road, all of which areas are so delineated on a Section Map of Allen County which is attached to this Ordinance as "EXHIBIT A" and which is incorporated herein by reference, which franchise shall be subject to the applicable terms and conditions of General Ordinance No. G-27-77 (an Ordinance providing for the establishment of a cable communications system in the City of Fort Wayne), which General Ordinance No. G-27-77 is incorporated herein by reference.

SECTION 2. The initial rate structure to be charged by Citizens Cable of Fort Wayne, Inc. to its customers in the franchise area shall be set forth on the "Rate Structure-Citizens Cable of Allen County, Indiana, Inc." which is attached to this Ordinance as "EXHIBIT B" and which is incorporated herein by reference, provided that rates charged to customers in the Fort Wayne State School area bounded by St. Joe Center Road, Reed Road, Evard Road and St. Joe Rd. shall conform to rates charged by Citizens Cable of Fort Wayne, Inc. to its customers within the City of Fort Wayne.

SECTION 3. The franchise granted hereby is limited to the areas above described and shall not be construed to encompass any other part of the City of Fort Wayne. It is recognized that Citizens Cable of Allen County, Inc. also serves subscribers located outside the franchised area, and outside the limits of the City of Fort Wayne, and payments to be made to the City under Article VIII (Rates and Franchise Payments) of General Ordinance No. G-27-77 shall be based only upon Citizens Cable of Allen County, Inc. receipts from its customers within the area franchised hereby. Because this franchise is limited to a relatively small area, the following portions of General Ordinance No. G-27-77 shall not apply: III E; V A (3); V D (2) so long as Citizens Cable of Allen County, Inc. maintains its present office and telephone listing in the City of New Haven, Indiana; VF: VII N: XI; and XIV.

SECTION 4. This Ordinance shall take effect from and after its passage and approval by the Mayor, and after Citizens Cable of Allen County,

Inc. shall file its written acceptance of same and its agreement to be found by and comply with all of the applicable requirements of General Ordinance No. G-27-77.

William T. Hinga  
Councilman

Read the third time in full and on motion by Hinga, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine  
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,  
V. Schmidt, Stier, Talarico  
Nays: None

Date: 1-23-79 Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-03-79 on the 23rd day of January, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 25th day of January, 1979, at the hour of 3:30 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor

THE COUNCIL THEN ADJOURNED.

#### CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of



the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 23rd day of January, 1979 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 24th day of January, 1979.

Charles W. Westerman  
City Clerk

Minutes approved and signed in open council this 13th day of February, 1979.

ATTEST:

(SEAL)

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

BILL NO. Z-79-01-24

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. R-38

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a RA District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. R-38, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

SHOAFF PARK RIVER ESTATES

A part of Block "D" in George L. Ashley Homestead as recorded in Plat Book 8, Page 84 in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Commencing at the northwest corner of said Block "D" in George L. Ashley Homestead; thence South 62 degrees, 28 minutes, 17 seconds East along the northerly line of said Block "D" a distance of 859.04 feet to a point on the centerline of St. Joe Road; thence South 36 degrees, 20 minutes, 16 seconds West along the centerline of St. Joe Road a distance of 212.51 feet to an iron pin; thence North 62 degrees, 28 minutes, 17 seconds West along the South right-of-way line of Shoaff Park River Drive a distance of 318.87 feet to the Point of Beginning, being an iron pin set; thence South 27 degrees, 31 minutes, 43 seconds West a distance of 368.63 feet to an iron pin set; thence North 64 degrees, 02 minutes, 25 seconds West a distance of 445.14 feet to an iron pin found being the southeast corner of Lot Numbered 51 in Shoaff Park River Estates recorded in Plat Book 38, Pages 123-126; thence North 75 degrees, 11 minutes, 49 seconds East along the boundary of Shoaff Park River Estates a distance of 236.69 feet to an iron pin found being the southeast corner of Lot Numbered 54 in Shoaff Park River Estates; thence North 27 degrees, 31 minutes, 43 seconds East a distance of 221.43 feet to an iron pin found being on the South right-of-way of Shoaff Park River Drive; thence South 62 degrees, 28 minutes, 17 seconds

East along the South right-of-way line of Shoaff Park River Drive a distance of 270.0 feet to the Point of Beginning, containing 2.62 acres of land, more or less, and subject to all rights-of-way and easements record.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

John Nuckols  
Councilman

Read the first time in full and on motion by Nuckols, seconded by Hunter, and duly adopted, read the second time by title and referred to the Committee on Regulations and to the City Plan Commission for recommendation

Date: 1-23-79

Charles W. Westerman  
City Clerk

BILL NO. G-79-01-25

#### GENERAL ORDINANCE NO. G-

AN ORDINANCE amending General Ordinance  
No. G-97 by authorizing the vacation of  
a certain street

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain street having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 18-7-5-46), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following street, to wit:

"Commencing at the most westerly corner of Lot #1 C.L. Centlivre Brewing Co. Addition; thence south 42° 09' east a distance of 81.37 feet; thence south 6° 29'

west a distance of 273.6 feet; thence south 9° 16' east 32.2 feet; thence south 80° 44' west a distance of 11.25 feet; thence north 19° 18' west a distance of 181.35 feet; thence north 6° 29' west a distance of 113.40 feet; thence north 42° 09' west a distance of 56.52 feet; thence north 15° 58' west a distance of 2.90 feet; thence north 19° 00' east a distance of 55.57 feet; thence south 42° 09' east a distance of 20.55 feet to the point of beginning.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

That this Ordinance shall be effective upon passage approval by the Mayor and legal publication thereof.

John Nuckols  
Councilman

Read the first time in full and on motion by Nuckols, seconded by Hunter, and duly adopted, read the second time by title and referred to the Committee on Regulations and the City Plan Commission for recommendation

Date: 1-23-79

Charles W. Westerman  
City Clerk

BILL NO. R-79-01-26

RESOLUTION NO. R-

A RESOLUTION approving Section 8  
Existing Project

WHEREAS, The Housing Authority of the City of Fort Wayne, Indiana, (hereinafter called "Housing Authority"), proposes to operate a project under the Housing Assistance Payments Program of Section 8 Existing Housing of the United States Housing Act of 1937 as amended (hereinafter called "U.S. Housing Act"); and

WHEREAS, pursuant to Indiana's Housing Authorities Act as amended,

the Housing authority may not initiate a project until it is approved by the local governing body which activated the Housing Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a project, which will be operated by the Housing Authority pursuant to the Housing Assistance Payments Program of Section 8 of the U.S. Housing Act and which will include assistance on behalf of up to approximately 702 eligible families and elderly persons, an increase over our present allotment of 552 units by 150 units - One-Hundred (100) units proposed for family allotment within the City Limits of Fort Wayne, Indiana, and Fifty (50) units for Elderly, to be located within a five-mile radius of Fort Wayne, Indiana, Allen County, is hereby approved.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

John Nuckols  
Councilman

Read the first time in full and on motion by Nuckols, seconded by Hunter, and duly adopted, read the second time by title and referred to the Committee on Regulations

Date: 1-23-79

Charles W. Westerman  
City Clerk

BILL NO. S-79-01-02

#### REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance approving a contract with Anglin Companies for work and improvements on The Wheeler Street Park (northeast corner of Wheller and Runnion Sts.) have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Vivian G. Schmidt  
William T. Hinga  
James S. Stier  
John Nuckols  
Donald J. Schmidt

Concurred in 1-23-79 Charles W. Westerman  
City Clerk

BILL NO. S-79-01-02

SPECIAL ORDINANCE NO. S-14-79

AN ORDINANCE approving a contract with  
Anglin Companies for work and improvements  
on The Wheeler Street Park (northeast  
corner of Wheeler and Runnion Sts)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That the contract dated October 20, 1978, between  
Neighborhood Care, Inc. and Anglin Companies for work and improvements to  
be performed upon the real estate commonly known as the Wheeler Street Park,  
located at the northeast corner of Wheeler and Runnion Streets, Fort Wayne,  
Indiana, at a total cost of \$26,141.00. all as more particularly set forth in  
said contract which is on file in the Office of Community Development and  
Planning and is by reference incorporated herein and made a part hereof, be  
and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage  
and approval by the Mayor.

Vivian G. Schmidt  
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by  
Hunter and duly adopted, placed on its passage. Passed by the following  
vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,  
V. Schmidt, Stier, Talarico

Nays: None

Date: 1-23-79

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana as Special Ordinance No. S-14-79 on the 23rd day of January, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 24th day of January, 1979, at the hour of 4:00 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. S-79-01-04

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance approving a contract between Ron Reinking and Community Development and Planning to perform audit have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance  
DO PASS

Vivian G. Schmidt  
William T. Hinga  
James S. Stier  
John Nuckols  
Donald J. Schmidt

Concurred in 1-23-79 Charles W. Westerman  
City Clerk

BILL NO. S-79-01-04

SPECIAL ORDINANCE NO. S-15-79

AN ORDINANCE approving a Contract between  
Ron Reinking and Community Development and  
Planning to perform audit

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That a certain contract, dated December 15, 1978,  
between the City of Fort Wayne, Indiana, by and through its Mayor and Community  
Development and Planning and Ron Reinking, for:

audit CD&P's Year 1 and Year II CD Block Grants from  
June 30, 1978 through December 31, 1978, and to analyze  
CD&P's Year III books for continuity with HUD  
regulations,

at a total cost of \$2,350.00 (in Federal Block Grant Funds), all as more  
particularly set forth in said contract, which is on file in the office of Community  
Development and Planning and is by reference incorporated herein and made  
a part hereof, be and the same is in all things hereby ratified, confirmed  
and approved.

SECTION 2. That this Ordinance shall be effective upon passage  
and approval by the Mayor.

Vivian G. Schmidt  
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by  
Hunter and duly adopted, placed on its passage. Passed by the following  
vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,  
V. Schmidt, Stier, Talarico

Nays: None

Date: 1-23-79

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana as Special Ordinance No. S-15-79 on the 23rd day of January, 1979.



ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 24th day of January, 1979, at the hour of 4:00 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. S-79-01-05

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance approving an agreement between Community Development and Planning and Neighborhood Care, Inc. and various Local Development Corporations have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Vivian G. Schmidt  
William T. Hinga  
James S. Stier  
John Nuckols  
Donald J. Schmidt

Concurred in 1-23-79 Charles W. Westerman  
City Clerk

BILL NO. S-79-01-05

SPECIAL ORDINANCE NO. S-16-79

AN ORDINANCE approving an agreement  
between Community Development and  
Planning and Neighborhood Care, Inc.  
and various Local Development Corporation

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That a certain Agreement, dated December 8, 1978,  
between the City of Fort Wayne, Indiana, by and through its Mayor and Community  
Development and Planning and Neighborhood Care, Inc. and the three newly  
formed Local Development Corporations, for:

establishment of the method by which Local  
Development Corporations loan funds are  
channelled to small businesses,

all as more particularly set forth in said Agreement which is on file in the  
office of Community Development and Planning and is by reference incorporated  
herein and made a part hereof, be and the same is in all things ratified, confirmed  
and approved.

SECTION 2. That this Ordinance shall be effective upon passage  
and approval by the Mayor.

Vivian G. Schmidt  
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by  
Hunter and duly adopted, placed on its passage. Passed by the following  
vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,  
V. Schmidt, Stier, Talarico

Nays: None

Date: 1-23-79

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-16-79 on the 23rd day of January, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 24th day of January, 1979, at the hour of 4:00 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. S-79-01-06

#### REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance approving a contract between Community Development and Planning's Neighborhood Care Division and the Fort Wayne Urban League have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Vivian G. Schmidt  
William T. Hinga  
James S. Stier  
John Nuckols  
Donald J. Schmidt

Concurred in 1-23-79 Charles W. Westerman  
City Clerk

BILL NO. S-79-01-06

SPECIAL ORDINANCE NO. S-17-79

AN ORDINANCE approving a contract  
between Community Development and  
Planning's Neighborhood Care Division  
and the Fort Wayne Urban League

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That a certain contract, dated January 1, 1979, between  
the City of Fort Wayne, Indiana, by and through its Mayor and Commuirty  
Development and Planning's Neighborhood Care Division and the Fort Wayne  
Urban League, for:

administration of the Innovative Grant  
No. B-76-51-18-001, known as Cooperative  
Parenting Concept,

all as more particularly set forth in said contract which is on file in the office  
of Community Development and Planning and is by reference incorporated herein  
and made a part hereof, be and the same is in all things hereby ratified, confirmed  
and approved.

SECTION 2. That this Ordinance shall be effective upon passage  
and approval by the Mayor.

Vivian G. Schmidt  
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by  
Hunter and duly adopted, placed on its passage. Passed by the following  
vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,  
V. Schmidt, Stier, Talarico

Nays: None

Date: 1-23-79

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-17-79 on the 23rd day of January, 1979.

ATTEST: (SEAL)

Charles W. Westerman	Winfield C. Moses, Jr.
City Clerk	Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 24th day of January, 1979, at the hour of 4:00 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. R-79-01-21

RESOLUTION NO. R-02-79

A RESOLUTION authorizing the temporary advancement of funds from the Revenue Sharing Trust Fund, Motor Vehicle Highway Fund, and Local Road & Street Fund to the General Fund for the period ending December 31, 1979

WHEREAS, it has become necessary to borrow money to enhance the depleted General Fund of the City of Fort Wayne; and

WHEREAS, there is sufficient money on deposit to the credit of Revenue Sharing Trust Fund, Motor Vehicle Highway Fund, and Local Road & Street Fund of the City of Fort Wayne which can be temporarily advanced or transferred to said General Fund.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort Wayne be and is

hereby authorized to transfer the sum of \$3,900,000.00 to the General Fund from the following Funds if and when needed:

Revenue Sharing Trust Fund	\$2,500,000.00
Motor Vehicle Highway Fund	400,000.00
Local Road & Street Fund	<u>1,000,000.00</u>
<u>Total</u> of Transfer	\$3,900,000.00

which said sum shall be returned said repaid to the aforementioned funds on or before December 31, 1979.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt  
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hunter and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight  
Burns, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt,  
Stier, Talarico  
Nays: None  
Abstained: One  
Nuckols

Date: 1-23-79 Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-02-79 on the 23rd day of January, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 24th day of January, 1979, at the hour of 4: 00 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. R-79-01-22

RESOLUTION . NO. R-03-79

A RESOLUTION authorizing payment to various agencies for repair of various vehicles

WHEREAS, (1) the following City vehicles were damaged in accidents, and (2) insurance monies in reimbursment for such damages have been received and receipted by the City Controller in the amounts hereafter listed, and (3) repair bids received from the following companies in the amount of such insurance damage payments as hereafter set out, respectively, to wit:

	<u>Vehicle</u>	<u>Insurance Payment</u>	<u>Repair Agency</u>
1)	Police Dept. No. 33, 1978 Ford, 4 door sedan License No. 11133	\$ 470.15	Allen County Motors
2)	Police Dept. unit No. 11, 1978 Ford, 4 door sedan License No. MO11111	869.70	Northway Chrysler Plymouth
	TOTAL	\$1,339.85	

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amounts to the above named agencies, for vehicles repair work as set out above.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt  
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hunter and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,  
V. Schmidt, Stier, Talarico

Nays: None

Date: 1-23-79

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-03-79 on the 23rd day of January, 1979.

ATTEST:

(SEAL)

Charles W. Westerman  
City Clerk

Winfield C. Moses, Jr.  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 24th day of January, 1979, at the hour of 4:00 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. Z-78-10-32

#### REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. I-26 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS



John Nuckols  
Samuel J. Talarico  
Vivian G. Schmidt  
James S. Stier  
William T. Hinga

Concurred in 1-23-79 Charles W. Westerman  
City Clerk

BILL NO. Z-78-10-32

ZONING MAP ORDINANCE NO. Z-07-79

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. 1-26

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated  
a M1 District under the terms of Chapter 33, Municipal Code of the City of  
Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning  
Map No. 1-26, referred to therein, established by Section 33-11, of said Chapter  
are hereby changed accordingly, to wit:

a part of the Northwest 1/4 of the Northeast  
1/4 of Section 28, Township 31 North of Range  
12 East, viz: Commencing at the Southeast  
corner of said 40 acre tract; thence west  
along the south line of the same 19 & 84/100  
chains to the Southwest corner of same, thence  
north 4 & 98/100 chains, thence east parallel  
with south line 19 & 84/100 chains to the  
east line, thence south 4 & 98/100 chains to  
beginning, containing 9.89 acres, in Allen  
County, Indiana.

SECTION 2. That this Ordinance shall be in full force and effect  
from and after its passage, approval by the Mayor and legal publication  
thereof.

Vivian G. Schmidt  
Councilwoman

Read the third time in full and on motion by Nuckols, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,  
V. Schmidt, Stier, Talarico

Nays: None

Date: 1-23-79

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-07-79 on the 23rd day of January, 1979.

ATTEST:

(SEAL)

Charles W. Westerman  
City Clerk

Winfield C. Moses, Jr.  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 24th day of January, 1979, at the hour of 4:00 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. Z-78-11-21

#### REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. P-2 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS & PERFECT TO A B1B CLASSIFICATION

John Nuckols  
Samuel J. Talarico  
Vivian G. Schmidt  
James S. Stier  
William T. Hinga

Concurred in 1-23-79 Charles W. Westerman  
City Clerk

BILL NO. Z-78-11-21

ZONING MAP ORDINANCE NO. Z-08-79

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. P-2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated as a PERFECT TO A B1B CLASSIFICATION District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana 1974; and the symbols of the City of Fort Wayne Zoning Map No. P-2, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Lots 1, 2, 3, 4, 5 and 6 in Vordermark's Addition to  
the City of Fort Wayne, Indiana

SECTION 2. That this Ordinance shall become effective upon  
passage, approval by the Mayor and legal publication thereof.

Vivian G. Schmidt  
Councilwoman

Read the third time in full and on motion by Nuckols, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,  
V. Schmidt, Stier, Talarico

Nays: None

Date: 1-23-79

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-08-79 on the 23rd day of January, 1979.

ATTEST:

(SEAL)

Charles W. Westerman  
City Clerk

Winfield C. Moses, Jr.  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 24th day of January, 1979, at the hour of 4:00 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. S-78-12-11

#### REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving City Utilities Purchase Order No. 0490 with Allen County Motors, Inc. for vehicles for the Meter Reading Department have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns  
Samuel J. Talarico  
James S. Stier  
Vivian G. Schmidt  
Donald J. Schmidt

Concurred in 1-23-79

Charles W. Westerman  
City Clerk

BILL NO. S-78-12-11

SPECIAL ORDINANCE NO. S-18-79

AN ORDINANCE approving City Utilities  
Purchase Order No. 0490 with Allen  
County Motors, Inc. for vehicles for  
the Meter Reading Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 0490, dated  
November 17, 1978, between the City of Fort Wayne, by and through the City  
Utilities Purchasing Agent and the Board of Public Works and Allen County  
Motors, Inc., for:

two Ford Fairmont Station Wagons for the Meter Reading  
Department,

at a cost of \$8,413.40, all as more particularly set forth in said Purchase Order,  
which is on file in the Office of the Department of Purchasing and is by reference  
incorporated herein and made a part hereof, be and the same is in all things  
ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage  
and approval by the Mayor.

Paul M. Burns  
Councilman

Read the third time in full and on motion by Burns, seconded by  
Hinga and duly adopted, placed on its passage. Passed by the following  
vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,  
V. Schmidt, Stier, Talarico

Nays: None

Date: 1-23-79

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana as Special Ordinance No. S-18-79 on the 23rd day of January, 1979.

PROCEEDINGS OF THE COMMON COUNCIL  
IN REGULAR SESSION  
TUESDAY, JANUARY 23, 1979

CITY OF FORT WAYNE, INDIANA  
JOURNAL OF THE PROCEEDINGS  
OF THE COMMON COUNCIL

DATE 2-13-79 MADE A MATTER OF RECORD  
CHARLES W. WESTERMAN, CITY CLERK

The Common Council of the City of Fort Wayne met in the Council Chambers Tuesday evening January 23, 1979, in Regular Session. President Winfield C. Moses, Jr. in the chair, and Charles W. Westerman Clerk, at the desk present the following members nine viz:

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt,  
Stier, Talarico

The invocation was given by Reverend James Doukas - Holy Trinity Orthodox Church

Received report from the City Controller for the month of December, 1978. Motion made and carried that report be made a matter of record and placed on file.

The minutes of the last Regular January 9, 1979 and Reorganization January 2, 1979, Sessions having been delivered to the Council, were on motion, approved and published.

COMMUNICATION FROM THE MAYOR

January 17, 1979

To the Common Council  
Gentlemen and Mrs. Schmidt:

Today, January 17, 1979, I have approved the following ordinances passed by Common Council at its regular meeting on January 9, 1979.

(Bill No. S-78-11-10)  
SPECIAL ORDINANCE NO. S-01-79

AN ORDINANCE approving a Consultant Agreement with Clyde E. Williams & Associates, Inc. on Lake Avenue, Rudisill Blvd., Bluffton Road & Crescent Avenue

(Bill No. S-78-12-01)  
SPECIAL ORDINANCE NO. S-02-79

AN ORDINANCE approving a contract for Improvement Resolution No. 5822-78, between the City of Fort Wayne, Indiana and Martin, Inc. for demolition of buildings

(Bill No. R-79-01-07)  
RESOLUTION NO. R-01-79

A RESOLUTION authorizing payment to various agencies for repair of various vehicles

(Bill No. Z-78-11-19)  
ZONING MAP ORDINANCE NO. Z-01-79

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-7

(Bill No. Z-78-11-20)  
ZONING MAP ORDINANCE NO. Z-02-79

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-3 & L-7

(Bill No. Z-78-11-22)  
ZONING MAP ORDINANCE NO. Z-03-79

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. 1-26

(Bill No. Z-78-11-57)  
ZONING MAP ORDINANCE NO. Z-04-79

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-7

(Bill No. Z-78-11-58)  
ZONING MAP ORDINANCE NO. Z-05-79

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. M-30

(Bill No. Z-78-11-61)  
ZONING MAP ORDINANCE NO. Z-06-79

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-14

Bill No. G-78-10-06)  
GENERAL ORDINANCE NO. G-02-79

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain street

(Bill No. S-78-12-07)  
SPECIAL ORDINANCE NO. S-03-79

AN ORDINANCE approving a contract for Street Improvement Resolution No. 5821-78, between the City of Fort Wayne, Indiana and Rieth-Riley Construction Co., Inc. for resurfacing a certain street

(Bill No. S-78-12-08)  
SPECIAL ORDINANCE NO. S-04-79

AN ORDINANCE approving a contract for Street Improvement Resolution No. 5820-78 between the City of Fort Wayne, Indiana and Wayne Asphalt & Construction Co., Inc. for resurfacing Broadway Avenue

(Bill No. S-78-12-09)  
SPECIAL ORDINANCE NO. S-05-79

AN ORDINANCE approving City Utilities Purchase Order No. 0495 with General Electric Company for equipment for City Street Lighting Department

(Bill No. S-78-12-10)  
SPECIAL ORDINANCE NO. S-06-79

AN ORDINANCE approving City Utilities Purchase Order No. 0494 with Indiana Office Systems, Inc. for equipment for Water Maintenance & Service Department

(Bill No. S-78-12-12)  
SPECIAL ORDINANCE NO. S-07-79

AN ORDINANCE approving City Utilities Purchase Order No. 0309 with General Electric Supply for materials for the City Street Lighting Department

(Bill No. S-78-12-13)  
SPECIAL ORDINANCE NO. S-08-79

AN ORDINANCE approving Change Order No. 1 in connection with Street Lighting



Improvement Resolution No. 131-78

(Bill No. S-78-12-14)  
SPECIAL ORDINANCE NO. S-09-79

AN ORDINANCE approving City Utilities Purchase Order No. 0503 with Henry Electric Company Inc. for materials for Water Pollution Control Plant

(Bill No. S-78-12-15)  
SPECIAL ORDINANCE NO. S-10-79

AN ORDINANCE approving a blanket purchase order - City Utilities Purchase Order No. B-0500 for supplies for Office Services Department

(Bill No. S-78-12-16)  
SPECIAL ORDINANCE NO. S-11-79

AN ORDINANCE approving City Utilities Purchase Order No. 0522 with Transmission & Fluid Equipment for equipment for the Three Rivers Filtration Plant

(Bill No. S-78-12-17)  
SPECIAL ORDINANCE NO. S-12-79

AN ORDINANCE approving a contract for Sewer Improvement Resolution No. 303-78, between the City of Fort Wayne, Indiana and Spears-Dehner, Inc. for installation Monarch Park storm drain

(Bill No. S-78-12-18)  
SPECIAL ORDINANCE NO. S-13-79)

AN ORDINANCE approving an Agreement with Marlin R. Jones and G. Michael Axson for construction of a sanitary sewer

Respectfully yours,

Robert E. Armstrong  
Mayor

Made a matter of record 1-23-79

Charles W. Westerman  
City Clerk

January 18, 1979

To the Common Council  
Gentlemen and Mrs. Schmidt:

Today, January 18, 1979, I have approved the following ordinance passed by Common Council at its regular meeting on January 9, 1979.

(Bill No. G-78-12-02)  
GENERAL ORDINANCE NO. G-01-79

AN ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE, INDIANA TO ENTER INTO A CONTRACT FOR PRODUCTION OF SUPPLEMENTS TO THE CODE OF THE CITY OF FORT WAYNE, INDIANA OF 1974

Respectfully yours,

Robert E. Armstrong  
Mayor

Made a matter of record 1-23-79

Charles W. Westerman  
City Clerk

COMMUNITY DEVELOPMENT AND PLANNING  
COMMUNICATION FROM CITY PLAN COMMISSION

10 January 1979

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the CITY PLAN COMMISSION on one (1) ordinance concerning the amendment of the FORT WAYNE ZONING ORDINANCE BOOK (General Ordinance Number 2836, amending Chapter 36 of the Municipal

Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-78-10-32

Respectfully submitted,

CITY PLAN COMMISSION

Luben Lazoff  
Secretary

Certified and signed this  
10th day of January 1979

Made a matter of record 1-23-79

Charles W. Westerman  
City Clerk

The City of Fort Wayne  
Office of City Plan Commission

10 January 1979

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46801

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held Octobaer 27, 1978. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-78-10-32
2. From "RA" to "M1"
3. Intended Use: Industrial Subdivision
4. Plan Commission Recommendation: DO PASS

a. This request is a logical extension of an industrial district.

CONDITION: The petitioner agrees in writing that there will be no access to the site from Burma Road. (SEE ATTACHED LETTER OF AGREEMENT).

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
AND PLANNING  
Division of Long Range Planning and Zoning

Gary F. Baeten  
Land Use Administrator

FROM ADAIR, PERRY, BEERS, MALLERS & LARMORE ATTORNEYS

January 9, 1979

City Development & Planning  
Room 830  
City-County Building  
Fort Wayne, Indiana 46802

RE: Bill No. Z-78-10-32  
From "RA" to "M1"  
Containing approximately 9.89 acres

Gentlemen:

This will confirm that neither we nor our successors or assigns will use the Burma Road as access to the property above referred to and that the action of the Plan Commission in assigning to said property an M-1 zoning designation is expressly subject to said restriction; provided further, that we also agree that if it is desired at any time in the future to use said Burma Road as access to said property, it shall be done only after improvement of Burma Road according to city street specifications.

Very truly yours,

ADAIR, PERRY, BEERS, MALLERS  
& LARMORE

Ramon S. Perry  
Attorney for Meek-Mack Inc., Owner

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 24, 1978, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-78-10-32, and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 20, 1978;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with overall City Plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held October 27, 1978.

Luben Lazoff  
Secretary

Certified and signed this  
10th day of January 1979

COMMUNITY DEVELOPMENT AND PLANNING  
COMMUNICATION FROM CITY PLAN COMMISSION

15 January 1979

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the CITY PLAN COMMISSION on one (1) ordinance concerning the amendment of the FORT WAYNE ZONING ORDINANCE BOOK (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-78-12-06

Respectfully submitted,

CITY PLAN COMMISSION

Luben Lazoff  
Secretary

Certified and signed this  
15th day of January 1979

Made a matter of record 1-23-79

Charles W. Westerman  
City Clerk

The City of Fort Wayne  
Office of City Plan Commission

15 January 1979

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46801

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment .

1. Bill No. Z-78-12-06

This ordinance was requested to be WITHDRAWN by written request of the petitioner. Letter of Withdrawal is attached.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
AND PLANNING  
Division of Long Range Planning and Zoning

Gary F. Baeten  
Land Use Administrator

LAW OFFICES OF GALLUCCI & MOLIERE

January 15, 1979

Mr. Gary Baeten  
Office of the City Planning Commission  
6th Floor City/County Bldg.  
Fort Wayne, Indiana 46804

RE: Bill No. Z-78-12-06

Dear Mr. Baeten:

This is to notify you that I am withdrawing my zoning request of Lot No. 44

of the North side addition in Fort Wayne, Indiana.

As I stated, we will be refileing for a change of zoning from R3-M1 to Lot Nos. 39, 40, 42, and 44 of the North side addition in Fort Wayne, Indiana in the very near future.

Very truly yours,

William T. Hopkins, Jr.

COMMUNICATION FROM THE CHAIRMAN OF PUBLIC SAFETY

President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Attached herewith is an authenticated copy of the Board of Public Safety  
Regulatory Resolution Numbers 5/79/E

For the purpose of enforcement, please make this communication and the attached  
Regulatory Resolutions a matter of record and incorporate it into the minutes  
of the next Common Council Meeting.

Respectfully submitted,

W. Terry Coonan  
Chairman - Board of Public Safety

Made a matter of record 1-23-79

Charles W. Westerman  
City Clerk



RETURN CERTIFICATE  
(Regulatory Resolution No. 5/79/E)

I hereby certify that I did this 11th day of January, 1979 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 5/79/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 (a) of Chapter 17, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55 adopted FEB. 14, 1961

Terry Coonan  
Chairman

REGULATORY RESOLUTION NO. 5/79/E  
(ADOPTED January 11, 1979 )

WHEREAS, Section 17-4 (a) (3), Chapter 17, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14, 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REGULATORY RESOLUTION 63/78/E: DELETE: STOP INTERSECTION (EMERGENCY): NO PARKING (EMERGENCY); NO PARKING(EMERGENCY); and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated January 10, 1979, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 (a) (3) of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No. G-55 adopted Feb. 14, 1961 to make experimental regulations to cover special conditions it is hereby ordered, effective January 11, 1979, and for a period of sixty (60) days thereafter,

and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

## DELETE:

STOP INTERSECTION (EMERGENCY)

Taylor St. --stop-- at Freeman St.  
 Freemen St. --stop-- at Taylor St.

NO PARKING (EMERGENCY)

Wallace St. --south side-- from Lafayette St. to 200 ft. east thereof

NO PARKING (EMERGENCY)

Essex Lane --both sides-- from Camden Dr. to Coldwater Rd.

## COMMUNICATION FROM THE CHAIRMAN OF PUBLIC SAFETY

President of the Common Council  
 City of Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Attached herewith is an authenticated copy of the Board of Public Safety  
 Regulatory Resolution Numbers 6/79/E

For the purpose of enforcement, please make this communication and the attached  
 Regulatory Resolutions a matter of record and incorporate it into the minutes  
 of the next Common Council Meeting.

Respectfully submitted,

W. Terry Coonan  
 Chairman - Board of Public Safety

Made a matter of record 1-23-79

Charles W. Westerman  
 City Clerk

RETURN CERTIFICATE  
(Regulatory Resolution No. 6/79/E)

I hereby certify that I did this 16th day of January, 1979 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 6/79/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 (a) of Chapter 17, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55 adopted FEB. 14, 1961

Terry Coonan  
Chairman

REGULATORY RESOLUTION NO. 6/79/E  
(ADOPTED January 16, 1979 )

WHEREAS, Section 17-4 (a) (3), Chapter 17, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14, 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to STOP INTERSECTION (EMERGENCY) AND DELETE: PREFERENTIAL INTERSECTION (EMERGENCY); and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated January 15, 1979, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 (a) (3) of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No. G-55 adopted Feb. 14, 1961 to make experimental regulations to cover special conditions it is hereby ordered, effective January 16, 1979, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE

FOLLOWING BE ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Barthold St.      --stop--      for Third St.

DELETE:

PREFERENTIAL INTERSECTION (EMERGENCY)

Third St.      --preferential--      at Barthold St.

ANNEXATION PUBLIC HEARING  
REGARDING BILL NO. X-77-05-23

WEDNESDAY, JANUARY 17, 1979

The Common Council of the City of Fort Wayne met in the Council Chambers Wednesday evening, January 17, 1979, in Public Hearing. Annexation Chairman James S. Stier, in the chair, and Charles W. Westerman Clerk, at the desk, present the following members six viz:

Burns, Hunter, Moses, Nuckols, Stier, Talarico

Absent: Three

Hinga, D. Schmidt, V. Schmidt

BILL NO. A-79-01-19

APPROPRIATION ORDINANCE NO. A-

AN ORDINANCE appropriating funds from  
Cumulative Capital Improvement Fund No. 345  
per Senate Enrolled Act 159 (1977) to the  
City of Fort Wayne's General Fund No. 010

WHEREAS, it is necessary to appropriate and transfer funds to the  
City of Fort Wayne's General Fund No. 010 to allow it to operate within budget  
limitations; and

WHEREAS, there are sufficient funds in the unappropriated and un-  
encumbered balance of the Cumulative Capital Fund No. 345 per Senate Enrolled  
Act 159 (1977) the sum of \$500,000.00 to the City of Fort Wayne's General Fund  
No. 010.

SECTION 2. That the unappropriated and unencumbered balance of  
the Cumulative Capital Improvement Fund No. 345 per Senate Enrolled Act 159 (1977)  
is hereby reduced in the amount of \$500,000.00.

SECTION 3. This Ordinance shall be in full force and effect from and  
after its passage approval by the Mayor and legal publication thereof.

Vivian G. Schmidt  
Councilwoman

Read the first time in full and on motion by V. Schmidt, seconded  
by Hunter, and duly adopted, read the second time by title and referred  
to the Committee on Finance and Public Hearing to be held after due legal  
notice, at the Council Chambers, City-County Building, FortWayne, Indiana, on  
Tuesday, the 13th day of February, 1979, at 7:30 o'clock P.M.E.S.T.

Date: 1-23-79

Charles W. Westerman  
City Clerk

BILL NO. S-79-01-20

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving Change Order  
No. 3 in connection with "The Landing"

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That Change Order No. 3 to Brooks Construction Co.,  
Inc. in connection with Improvement Resolution No. 5796-78, "The Landing",  
for:

reinforcement of the basement walls of several structures  
on "The Landing" which were judged by project engineer to  
be structurally unsafe in order to proceed with original  
plans,

in the amount of \$13,790.03, as set out in the specifications, is hereby in all  
things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage  
and approval by the Mayor.

Vivian G. Schmidt  
Councilwoman

Read the first time in full and on motion by V. Schmidt, seconded  
by Hunter, and duly adopted, read the second time by title and referred  
to the Committee on Finance

Date: 1-23-79

Charles W. Westerman  
City Clerk

BILL NO. S-79-01-27

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving City Utilities  
Purchase Order No. 0798 with By-Products  
Management, Inc., for chemicals for WPC PLANT

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. The City Utilities Purchase Order No. 0798, dated  
January 15, 1979, between the City of Fort Wayne, by and through the City Utilities  
Purchasing Agent and the Board of Public Works and By-Products Management, Inc.,  
for:

three months supply of Liquid Ferrous Sulfate for test  
run study on Phosphorous removal at the Water Pollution  
Control Plant,

at a cost of \$7,500.00 (Estimated), all as more particularly set forth in said Purchase  
Order, which is on file in the Office of the Department of Purchasing and is by  
reference incorporated herein and made a part hereof, be and the same is in all  
things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and  
approval by the Mayor.

Paul M. Burns  
Councilman

Read the first time in full and on motion by Burns, seconded  
by Hunter, and duly adopted, read the second time by title and referred  
to the Committee on City Utilities

Date: 1-23-79

Charles W. Westerman  
City Clerk

BILL NO. S-79-01-28

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving City Utilities  
Purchase Order No. 0768 with DeHaven  
Chevrolet, Inc. for a truck for Water  
Maintenance & Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 0768, dated  
January 4, 1979, between the City of Fort Wayne, by and through the City Utilities  
Purchasing Agent and the Board of Public Works and DeHaven Chevrolet, Inc., for:

One 1979 3/4 Ton heavy duty pick up truck for the  
Water Maintenance & Service Department for use in  
hydrant repair and for the thawing of frozen fire  
hydrants in winter months,

at a cost of \$6,071.84, all as more particularly set forth in said Purchase Order, which  
is on file in the Office of the Department of Purchasing and is by reference in-  
corporated herein and made a part hereof, be and the same is in all things ratified,  
confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and  
approval by the Mayor.

Paul M. Burns  
Councilman

Read the first time in full and on motion by Burns, seconded  
by Hunter, and duly adopted, read the second time by title and referred  
to the Committee on City Utilities

Date: 1-23-79

Charles W. Westerman  
City Clerk



BILL NO. S-79-01-29

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving an Agreement  
with Shambaugh & Sons, Inc., for construction  
of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That the Agreement dated January 8, 1979, between the  
City of Fort Wayne, by and through its Mayor and the Board of Public Works and  
Shambaugh & Sons, Inc., for:

SANITARY SEWER

"Beginning at an existing Sanitary Sewer Manhole located  
670 + LF North of and 20 + LF East of the centerline inter-  
section of Moeller Road and Adams Center Road; thence,  
South along the East right-of-way line of said Adams  
Center Road 1200 + LF terminating at a proposed manhole  
located 530 + LF South of and 20 + LF East of the center-  
line intersection of said Moeller Road and Adams Center  
Road."

of which the developer shall pay the entire cost and expense of the construction  
of said sewer, all as more particularly set forth in said agreement which is on  
file in the Office of the Board of Public Works and is by reference incorporated herein,  
made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and  
approval by the Mayor.

Paul M. Burns  
Councilman

Read the first time in full and on motion by Burns, seconded  
by Hunter, and duly adopted, read the second time by title and referred  
to the Committee on City Utilities

Date: 1-23-79

Charles W. Westerman  
City Clerk

## RESOLUTION

WHEREAS, RONALD P. and NANCY E. JASPER have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Fort Wayne, Allen County, to-wit:

The portion of the alley running North and South between Covington Road and Whitmore Street, which abuts Lots 8, 9 and 10 on the East and Lots 11, 12 and 13 on the West in Park's Addition, Section 15, Township 30 North, Range 12 East, Allen County, Indiana, except that part of said alley which is adjacent to the North twelve (12) feet of Lots 8 on the East and the North twelve (12) feet of Lot 13 on the West

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been give by due and proper publication thereof; and,

WHEREAS, said public hearing was held on October 16, 1978, at 7:30 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of the alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

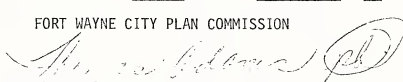
BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said alley in Allen County, Indiana.

STATE OF INDIANA )  
COUNTY OF ALLEN ) SS:

I, Thomas Adams, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held October 16, 1978, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 6th DAY OF February 1979

FORT WAYNE CITY PLAN COMMISSION

  
Thomas Adams  
Secretary

67-42-8 2/7/79

RESOLUTION NO. 67-42-8

WHEREAS, RONALD P. and NANCY E. JASPER have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley situated in Fort Wayne, Allen County, to-wit:

The portion of the alley running North and South between Covington Road and Whitmore Street, which abuts Lots 8, 9 and 10 on the East and Lots 11, 12 and 13 on the West in Park's Addition, Section 15, Township 30 North, Range 12 East, Allen County, Indiana, except that part of said alley which is adjacent to the North twelve (12) feet of Lots 8 on the East and the North twelve (12) feet of Lot 13 on the West.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and the through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley hereinbefore described be and the same is hereby approved subject to easements as required by all public and private utilities occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA )  
COUNTY OF ALLEN ) SS:

I, Henry P. Wehrenberg, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works Meeting held on February 7, 1979 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 7th DAY OF February 1979  
FORT WAYNE BOARD OF PUBLIC WORKS

Henry P. Wehrenberg  
Henry P. Wehrenberg, Chairman

Ethel H. LaMar  
Ethel H. LaMar, Member

Max G. Scott  
Max G. Scott, Member

2-13-79

DATE

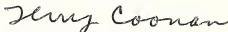
President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board  
of Public Safety Regulatory Resolution Number: 7/79/D

For the purpose of enforcement, please make this communication  
and the attached Regulatory Resolution a matter of record  
and incorporate it into the minutes of the next Common Council  
Meeting.

Respectfully submitted,



Terry Coonan, Chairman  
Board of Public Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 7/79 /D)

I hereby certify that I did this 24th day of January, 19 79 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 7/79 /D of the Board of Public Safety of the City of Fort Wayne, duly certified by me as ~~Secretary~~ Chairman of said Board, in accordance with the provisions of Section 17-4(a) of Chapter 17, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55, adopted FEB. 14, 1961.

*Jerry Coonan*

Chairman

~~SECRETARY~~

REGULATORY RESOLUTION NO. 779 /D

(Adopted January 24, 19 79)

WHEREAS, Section 17-4(a) (2), Chapter 17, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961, authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 122 of said chapter as so amended delegates to this Board authority to NO PARKING  
TRUCK LOADING ZONE 7 A.M. - 11 A.M. (DELEGATED)

\_\_\_\_\_ ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated January 22, 19 79, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this

Board by Section 122 of Chapter 17, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55 adopted FEB. 14, 1961. it is hereby

ordered, effective January 24, 19 79, and when signs are erected pursuant hereto giving notice thereof, that **THE FOLLOWING BE ESTABLISHED:**

NO PARKING TRUCK LOADING ZONE 7 A.M. - 11:00 A.M.

The Landing -- south side -- from 120 ft. east of Harrison St.  
to 52 ft. east thereof

2-13-79

President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of  
Public Safety Regulatory Resolution Number:8/79/E

For the purpose of enforcement, please make this communication  
and the attached Regulatory Resolution a matter of record and  
incorporate it into the minutes of the next Common Council  
Meeting.

Respectfully submitted,

*Terry Coonan*

Terry Coonan, Chairman  
Board of Public Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 8/79/E)

I hereby certify that I did this 25th day of January, 19 79 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 8/79/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman ~~XXXXXXXX~~ of said Board, in accordance with the provisions of Section 17-4(a) of Chapter 17, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55, adopted FEB. 14, 1961.

*Terry Coonan*

CHAIRMAN  
~~XXXXXXXXXXXXXXXXXXXX~~



REGULATORY RESOLUTION NO. 8/79 /E

(Adopted \_\_\_\_\_ January \_\_\_\_\_ 25 \_\_\_\_\_, 19 79)

WHEREAS, Section 7-4(a) (3), Chapter 17, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to 90 MINUTE PARKING 8 A.M. to 6 P.M. (EMERGENCY)

---

\_\_\_\_\_ ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated January \_\_\_\_\_ 24, 19 79, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 7-4(a) (3) of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14, 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective January \_\_\_\_\_ 25,

19 79, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

90 MINUTE PARKING 8 A.M. to 6 P.M. (EMERGENCY)

Kensington Blvd. -- east side -- from Forest Ave. to 150 ft.  
south thereof  
Kensington Blvd. -- west side -- from Forest Ave. to 190 ft.  
south thereof

2-13-79  
TERRY & SOUTHERN  
DATE \_\_\_\_\_

President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board  
of Public Safety Regulatory Resolution Number: 9/79/E

For the purpose of enforcement, please make this communi-  
cation and the attached Regulatory Resolution a matter  
of record and incorporate it into the minutes of the next  
Common Council meeting.

Respectfully submitted,

*Terry Coonan*

Terry Coonan, Chairman  
Board of Public Safety

R E T U R N   C E R T I F I C A T E

(Regulatory Resolution No. 9/79 /E)

I hereby certify that I did this 8th day of February, 19 79 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. 9/79 /E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1974.

Jimmy Coonan  
CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 9/79/E

(Adopted February 8, 19 79)

WHEREAS, Section 17-4(a) (3), Chapter 17, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to NO PARKING (EMERGENCY)

\_\_\_\_\_ ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated February 7, 19 79, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4(a) (3) of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961, to make experimental regulations to cover special conditions,

it is hereby ordered, effective February 8, 19 79, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

NO PARKING (EMERGENCY)

No. Clinton St. -- both sides -- from Penn Ave. to Coldwater Rd.  
Coldwater Rd. -- both sides -- from Coliseum Blvd. to No. Clinton St.  
Edgewood Ave. -- both sides -- from Northrop St. to No. Clinton St.

President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of  
Public Safety Regulatory Resolution Number: 10/79/D

For the purpose of enforcement, please make this communication  
and the attached Regulatory Resolution a matter of record and  
incorporate it into the minutes of the next Common Council  
Meeting.

Respectfully submitted,

  
Terry Coonan, Chairman  
Board of Public Safety

R E T U R N   C E R T I F I C A T E

(Regulatory Resolution No. 10/79 D)

I hereby certify that I did this 13th day of February, 19 79 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. 10/79 D of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1974.

*Jerry Coonan*  
CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 10/79 /D

(Adopted February 13, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 121 of said chapter delegates to this Board authority to NO PARKING (DELEGATED)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated February 12, 1979, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 121 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974, it is hereby ordered, effective

February 13, 1979, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING (DELEGATED)

High St. -- north side -- from Sherman St. to 50 ft. east thereof

PROCEEDINGS OF THE COMMON COUNCIL  
IN REGULAR SESSION  
TUESDAY, FEBRUARY 13, 1979

CITY OF FORT WAYNE, INDIANA  
JOURNAL OF THE PROCEEDINGS  
OF THE COMMON COUNCIL

MADE A MATTER OF RECORD  
GIVEN TO THE CITY CLERK

The Common Council of the City of Fort Wayne met in the Council Chambers Tuesday evening February 13, 1979, in Regular Session. President Winfield C. Moses, Jr. in the chair, and Charles W. Westerman Clerk, at the desk, present the following members nine viz:

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

The invocation was given by Reverend Kenneth Smith, First Wayne Street United Methodist Church.

The minutes of the last Regular January 23, 1979, Session having been delivered to the Council, were, on motion, approved and published.

COMMUNICATION FROM THE MAYOR

January 24, 1979

To the Common Council  
Gentlemen and Mrs. Schmidt:

Today, January 24, 1979, I have approved the following ordinances passed by Common Council at its regular meeting on January 23, 1979.

(Bill No. S-79-01-02)  
SPECIAL ORDINANCE NO. S-14-79

AN ORDINANCE approving a contract with Anglin Companies for work and improvements on The Wheeler Street Park (northeast corner of Wheeler and Runnion Sts.)



(Bill No. S-79-01-04)  
SPECIAL ORDINANCE NO. S-15-79

AN ORDINANCE approving a Contract between Ron Reinking and Community Development and Planning to perform audit

(Bill No. S-79-01-05)  
SPECIAL ORDINANCE NO. S-16-79

AN ORDINANCE approving an agreement between Community Development and Planning and Neighborhood Care, Inc. and various Local Development Corporations

(Bill NO. S-79-01-06)  
SPECIAL ORDINANCE NO. S-17-79

AN ORDINANCE approving a contract between Community Development and Planning's Neighborhood Care Division and the Fort Wayne Urban League

(Bill NO. R-79-01-21)  
RESOLUTION NO. R-02-79

A RESOLUTION authorizing the temporary advancement of funds from the Revenue Sharing Trust Fund, Motor Vehicle Highway Fund, and Local Road & Street Fund to the General Fund for the period ending December 31, 1979

(Bill NO. R-79-01-22)  
RESOLUTION NO. R-03-79

A RESOLUTION authorizing payment to various agencies for repair of various vehicles

(Bill No. Z-78-10-32)  
ZONING MAP ORDINANCE NO. Z-07-79

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. I-26

(Bill No. Z-78-11-21)  
ZONING MAP ORDINANCE NO. Z-08-79

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. P-2

(Bill No. S-78-12-11)  
SPECIAL ORDINANCE NO. S-18-79

AN ORDINANCE approving City Utilities Purchase Order No. 0490 with Allen County Motors, Inc. for vehicles for the Meter Reading Department

(Bill No. S-79-01-12)  
SPECIAL ORDINANCE NO. S-19-79

AN ORDINANCE approving a contract for Water Contract No. 78-XP-2 between the City of Fort Wayne, Indiana and the Orchard Ridge Country Club for construction of a water main

(Bill No. S-79-01-13)  
SPECIAL ORDINANCE NO. S-20-79

AN ORDINANCE approving Change Order No. 5 in connection with Contract No. 77-W-1

(Bill No. S-79-01-14)  
SPECIAL ORDINANCE NO. S-21-79

AN ORDINANCE approving City Utilities Purchase Order No. 0720 with V.R. Myers Pump for equipment for the Water Maintenance & Service Department

(Bill No. S-79-01-15)  
SPECIAL ORDINANCE NO. S-22-79

AN ORDINANCE approving City Utilities Purchase Order No. 0715 with I.B.M. Corporation for lease of equipment for Data Processing Department

(Bill No. S-79-01-16)  
SPECIAL ORDINANCE NO. S-23-79

AN ORDINANCE approving City Utilities Purchase Order No. 0546 with Double Envelope for supplies for the Office Service Department

(Bill No. S-79-01-17)  
SPECIAL ORDINANCE NO. S-24-79

AN ORDINANCE approving Change Order No. 1 in connection with Sewer Resolution No. 298-1977

Respectfully yours,

Robert E. Armstrong  
Mayor

Made a matter of record 2-13-79

Charles W. Westerman  
City Clerk

January 25, 1979

To the Common Council  
Gentlemen and Mrs. Schmidt:

Today, January 25, 1979, I have approved the following ordinance passed by  
Common Council at its regular meeting of January 23, 1979.

(Bill No. G-79-01-18)  
GENERAL ORDINANCE NO. G-03-79

AN ORDINANCE granting a non exclusive franchise to provide cable television  
service to the area known as Canterbury Green and environs in the City of  
Fort Wayne

Respectfully yours,

Robert E. Armstrong  
Mayor

COMMUNITY DEVELOPMENT AND PLANNING  
COMMUNICATION FROM CITY PLAN COMMISSION

22 January 1979

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the CITY PLAN COMMISSION on one  
(1) ordinance concerning the amendment of the FORT WAYNE ZONING ORDINANCE  
BOOK (General Ordinance Number 2836, amending Chapter 36 of the Municipal  
Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is  
designated as:

BILL NO. Z-78-10-35

Respectfully submitted,

CITY PLAN COMMISSION

Luben Lazoff  
Secretary

Certified and signed this  
22nd day of January 1979

Made a matter of record 2-13-79

Charles W. Westerman  
City Clerk

The City of Fort Wayne  
Office of City Plan Commission

22 January 1979

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46801

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held November 27, 1979. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-78-10-35
2. From "RB to "B1B"
3. Intended Use: Fred Myers Piano Store
4. Plan Commission Recommendation: DO PASS with Conditions.

This ordinance received a DO PASS recommendation for the following reason:

- a. This request is a logical extension of a commercial district.

CONDITIONS:

- a. All of the property described in this petition will be served by one common access on Coldwater Road.
- b. A landscape screen or decorative fence 7 feet in height will be constructed along the East property line prior to any commercial occupancy.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
AND PLANNING  
Division of Long Range Planning and Zoning

Gary F. Baeten  
Land Use Administrator

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 24, 1978, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-78-10-35, and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 20, 1978;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with overall City Plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 27, 1978.

Luben Lazoff  
Secretary

Certified and signed this  
22nd day of January 1979

COMMUNITY DEVELOPMENT AND PLANNING  
COMMUNICATION FROM CITY PLAN COMMISSION

25 January 1979

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the CITY PLAN COMMISSION on one (1) ordinance concerning the vacation of a dedicated street.

The proposed ordinance is designated as:

Bill No. G-78-10-07

Respectfully submitted,

CITY PLAN COMMISSION  
Thomas Adams  
Secretary

Certified and signed this  
25th day of January 1979

Made a matter of record 2-13-79

Charles W. Westerman  
City Clerk

The City of Fort Wayne  
Office of City Plan Commission

25 January 1979

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46801

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) street vacation ordinance acted upon by the City Plan Commission at their regular meeting held November 27, 1979. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-78-10-07
2. Intended Use: City Park
3. Plan Commission Recommendation: DO PASS with Condition

This ordinance received a DO PASS recommendation for the following reason:

- a. The proposed park can more safely be utilized by eliminating this portion of Nelson Street which presently bi-sects the proposed park.

CONDITION:

The dedication of a utility easement over the vacated portion of Nelson Street.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
AND PLANNING  
Division of Long Range Planning and Zoning

Gary F. Baeten  
Land Use Administrator

COMMUNITY DEVELOPMENT AND PLANNING  
COMMUNICATION FROM CITY PLAN COMMISSION

6 February 1979

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the CITY PLAN COMMISSION on one (1) ordinance concerning the vacation of a dedicated alley.

The proposed ordinance is designated as:

Bill No. G-79-09-15

Respectfully submitted,

CITY PLAN COMMISSION

Thomas Adams  
Secretary

Certified and signed this  
6th day of February, 1979



Made a matter of record 2-13-79

Charles W. Westerman  
City Clerk

The City of Fort Wayne  
Office of City Plan Commission

6 February 1979

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46801

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) alley vacation ordinance acted upon by the City Plan Commission at their regular meeting held October 23, 1978. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-78-09-15
2. Intended Use: Vacated property will be utilized by the  
abutting property owners.
3. Plan Commission Recommendation: DO PASS with conditions

CONDITIONS:

- a. The petitioner will dedicate a 12' alley along the north line of Lot #13 between Westview Avenue and the North-South alley being vacated.
- b. The petitioner should attempt to acquire a corner cut on the southeast corner of Lot #14 to allow easier turning ability for garbage collection. If the corner cut cannot be acquired the first condition should be changed to 14'.
- c. The south right-of-way of the new alley along the north side of Lot #13 shall be fenced and the east line of Westview abutting Lots 11, 12 and 13.

If there are any questions with regard to this ordinance, please feel free

to call on us.

Respectfully submitted,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
AND PLANNING  
Division of Long Range Planning and Zoning

Gary F. Baeten  
Land Use Administrator

COMMUNICATION FROM THE CHAIRMAN OF PUBLIC SAFETY

President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Attached herewith is an authenticated copy of the Board of Public Safety  
Regulatory Resolution Numbers 7/79/D

For the purpose of enforcement, please make this communication and the attached  
Regulatory Resolutions a matter of record and incorporate it into the minutes  
of the next Common Council Meeting.

Respectfully submitted,

W. Terry Coonan  
Chairman - Board of Public Safety

Made a matter of record 2-13-79

Charles W. Westerman  
City Clerk

RETURN CERTIFICATE  
(Regulatory Resolution No. 7/79/D)

I hereby certify that I did this 24th day of January, 1979 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 7/79/D of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 (a) of Chapter 17, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55 adopted FEB. 14, 1961

Terry Coonan  
Chairman

REGULATORY RESOLUTION NO. 7/79/D  
(ADOPTED January 24, 1979)

WHEREAS, Section 17-4 (a) (2), Chapter 17, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961, authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 122 of said chapter as so amended delegated to this Board authority to NO PARKING TRUCK LOADING ZONE 7 A.M. - 11 A.M. (DELEGATED); and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated January 22, 1979, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That pursuant to the authority delegated to this Board by Section 122 of Chapter 17, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No. G-55 adopted FEB. 14, 1961, it is hereby ordered, effective January 24, 1979, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

NO PARKING TRUCK LOADING ZONE 7:00 A.M. -- 11:00 A.M.

The Landing	--south side--	from 120 ft. east of Harrison St. to 52 ft. east thereof
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## COMMUNICATION FROM THE CHAIRMAN OF PUBLIC SAFETY

President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Attached herewith is an authenticated copy of the Board of Public Safety  
Regulatory Resolution Numbers 8/79/E

For the purpose of enforcement, please make this communication and the attached  
Regulatory Resolutions a matter of record and incorporate it into the minutes  
of the next Common Council Meeting.

Respectfully submitted,

W. Terry Coonan  
Chairman - Board of Public Safety

Made a matter of record 2-13-79

Charles W. Westerman  
City Clerk

RETURN CERTIFICATE  
(Regulatory Resolution No. 8/79/E)

I hereby certify that I did this 25th day of January, 1979  
deliver to each, the City Traffic Engineer, the Chief of Police, the City  
Attorney, the City Clerk and the President of the Common Council of  
the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory  
Resolution No. 8/79/E of the Board of Public Safety of the City of Fort  
Wayne, duly certified by me as Chairman of said Board, in accordance  
with the provisions of Section 17-4 (a) of Chapter 17, Municipal Code  
of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance  
G-55 adopted FEB. 14, 1961

Terry Coonan  
Chairman

REGULATORY RESOLUTION NO. 8/79/E  
(ADOPTED January 25, 1979 )

WHEREAS, Section 17-4 (a) (3), Chapter 17, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14, 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to 90 minute parking 8:00 A.M. to 6:00 P.M. (EMERGENCY); and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated January 24, 1979, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 (a) (3) of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No. G-55 adopted Feb. 14, 1961 to make experimental regulations to cover special conditions it is hereby ordered, effective January 25, 1979, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

90 MINUTE PARKING 8 A.M. to 6 P.M. (EMERGENCY)

Kensington Blvd. --east side--	from Forest Ave. to 150 ft south thereof
Kensington Blvd. --westside--	from Forest Ave. to 190 ft. south thereof

COMMUNICATION FROM THE CHAIRMAN OF PUBLIC SAFETY

President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Attached herewith is an authenticated copy of the Board of Public Safety  
Regulatory Resolution Numbers 9/79/E

For the purpose of enforcement, please make this communication and the attached  
Regulatory Resolutions a matter of record and incorporate it into the minutes  
of the next Common Council Meeting.

Respectfully submitted,

W. Terry Coonan  
Chairman - Board of Public Safety

Made a matter of record 2-13-79

Charles W. Westerman  
City Clerk

RETURN CERTIFICATE

(Regulatory Resolution No. 9/79/E)

I hereby certify that I did this 8th day of February, 1979  
deliver to each, the City Traffic Engineer, the Chief of Police, the City  
Attorney, the City Clerk and the President of the Common Council of  
the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory  
Resolution No. 9/79/E of the Board of Public Safety of the City of Fort  
Wayne, duly certified by me as Chairman of said Board, in accordance  
with the provisions of Section 17-4 (a) of Chapter 17, Municipal Code  
of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance  
G-55 adopted FEB. 14, 1961

Terry Coonan  
Chairman

REGULATORY RESOLUTION NO. 9/79/E  
(ADOPTED February 8, 1979 )

WHEREAS, Section 17-4 (a) (3), Chapter 17, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14, 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to NO PARKING (EMERGENCY); and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated February 7, 1979, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 (a) (3) of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No. G-55 adopted Feb. 14, 1961 to make experimental regulations to cover special conditions it is hereby ordered, effective February 8, 1979, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

NO PARKING

(EMERGENCY)

No. Clinton St.	--both sides--	from Penn Ave. to Coldwater Rd.
Coldwater Rd.	--both sides--	from Coliseum Blvd. to No. Clinton St.
Edgewood Ave.	--both sides--	from Northrop St. to No. Clinton St.

COMMUNICATION FROM THE CHAIRMAN OF PUBLIC SAFETY

President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Attached herewith is an authenticated copy of the Board of Public Safety  
Regulatory Resolution Numbers 10/79/D

For the purpose of enforcement, please make this communication and the attached  
Regulatory Resolutions a matter of record and incorporate it into the minutes  
of the next Common Council Meeting.

Respectfully submitted,

W. Terry Coonan  
Chairman - Board of Public Safety

Made a matter of record 2-13-79	Charles W. Westerman City Clerk
---------------------------------	------------------------------------

RETURN CERTIFICATE  
(Regulatory Resolution No. 10/79/D)

I hereby certify that I did this 13th day of February, 1979  
deliver to each, the City Traffic Engineer, the Chief of Police, the City  
Attorney, the City Clerk and the President of the Common Council of  
the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory  
Resolution No. 10/789/D of the Board of Public Safety of the City of Fort  
Wayne, duly certified by me as Chairman of said Board, in accordance  
with the provisions of Section 17-4 (a) of Chapter 17, Municipal Code  
of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance  
G-55 adopted FEB. 14, 1961

Terry Coonan  
Chairman



REGULATORY RESOLUTION NO. 10/79/D  
(ADOPTED February 13, 1979)

WHEREAS, Section 17-4 (a) (2), Chapter 17, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961, authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 121 of said chapter as so amended delegated to this Board authority to NO PARKING (DELEGATED); and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated February 12, 1979, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That pursuant to the authority delegated to this Board by Section 121 of Chapter 17, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No. G-55 adopted FEB. 14, 1961, it is hereby ordered, effective February 13, 1979, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

NO PARKING

(DELEGATED)

High St.      --north side---      from Sherman St. to 50 ft. east thereof

METROPOLITAN HUMAN RELATIONS COMMISSION  
RATIFICATION AND ELECTION OF APPOINTMENT

January 30, 1979

Common Council Regular Session  
Council Chambers

The Common Council of the City of Fort Wayne, Indiana held on the above date during the Committee Session of the Common Council for the purpose of appointing two members to the Metropolitan Human Relations Commission.

The President of Common Council called for nominations and he received the nominations of Rikki Goldstein and Tony Cueller. The chair recognized a move that the nominations be closed.

Therefore, the election was confirmed and Rikki Goldstein and Tony Cueller were duly appointed to the Metropolitan Human Relations Commission.

Charles W. Westerman

City Clerk

ATTEST:

Made a matter of record 2-13-78

Charles W. Westerman  
City Clerk

BILL NO. A-79-02-01

APPROPRIATING ORDINANCE NO. A-

AN ORDINANCE appropriating funds from  
Account No. 03-355-355-4001 "Park  
Cumulative Building Fund" to purchase  
land for park and recreation purposes

WHEREAS, it is necessary to appropriate funds to the Park Department for the purchase of land for park and recreation purposes; and

WHEREAS, these funds will be used together with a private donation to purchase open space in a densely populated area; and

WHEREAS, there are sufficient funds in the unappropriated and unencumbered balance of Account No. 03-355-355-4001 "Park Cumulative Building Fund" to cover such obligations.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That there is hereby transferred from the unappropriated and unencumbered balance of Account No. 03-355-355-4001 "Park Cumulative Building Fund" the sum of \$25,000.00 to purchase land for park and recreation purposes.

SECTION 2. That the unappropriated and unencumbered balance in Account No. 03-355-355-4001 "Park Cumulative Building Fund" is hereby reduced in the amount of \$25,000.00.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Vivian G. Schmidt  
Councilwoman

Read the first time in full and on motion by V. Schmidt, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Finance and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tuesday, the 27th day of February, 1979, at 7:30 o'clock P.M.E.S.T.

Date: 2-13-79

Charles W. Westerman  
City Clerk

BILL NO. S-79-02-03

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving Civil City Purchase  
Order No. 4-05861 with Hite Equipment  
Repair, Inc. for equipment for the Street  
Engineering Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 4-05861, dated January 29, 1979, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and Hite Equipment Repair, Inc., for the purchase of one Rubberized Asphalt Kettle, Oil Jacketed Type, with 16.5 HP Power Engine, 55 Gal. Drum Heat Bath Oil, Insulated Puring Pots and Jack Type Drop Leg with Pneumatic Caster, to be used in the Street Engineering Department for their Street Repair Program, at a cost of \$7,541.25, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof,

- (a) Bottling Works
  - (b) Building Material Sales Yard (excluding concrete mixing)
  - (c) Chick Hatchery
  - (d) Road or Building Contractor's Equipment Storage Yard
  - (e) Sales and Rental of Road or Building Contractor's Equipment
  - (f) Public Utility Service Yard
  - (g) Electrical Receiving or Transforming Station
  - (h) Draying, Freightage or Trucking Yard or Terminal
  - (i) Feed or Grain Storage
  - (j) Fuel Yard; including bulk storage of petroleum products for local distribution, as distinguished from a petroleum products terminal for extensive storage and regional distribution purposes.
  - (k) Ice Manufacture or Cold Storage
  - (l) Experimental or Testing Laboratory
  - (m) Printing Plant, including letterpress or offset or lithographic
  - (n) Poultry Dressing
  - (o) Warehousing, Wholesale Merchandise
  - (p) Storage (excluding auto wrecking, junk or scrap materials)
  - (q) Wholesale Food Market
  - (3) Any non-regulated Use Permitted in an "M2" District, provided that such use including all accessory and incidental uses, does not occupy an area in excess of 15,000 square feet, and provided further, that all smoke, dust, dirt, toxic gases and fumes or noxious odor produced upon the premises, is confined thereto.
  - (4) Accessory Building and Use
- J. "M2" District - General Industrial
- (1) All Uses Permitted in an "M1" District, provided that no building used for dwelling purposes shall be permitted except within two hundred (200) feet of an abutting "R" District.
  - (2) Adult Bookstore, as regulated by Section 14
  - (3) Adult Motion Picture Theatre, as regulated by Section 14
  - (4) Adult Mini Motion Picture Theatre, as regulated by Section 14
  - (5) Adult Cabaret, as regulated by Section 14

- (6) Licensed Massage Establishment, as regulated by Section 14
- (7) Fabricating, Manufacturing and Processing Industries, provided the same conform to the following requirements:
  - (a) (Enclosed Buildings) All operations are conducted and all materials and products are stored within enclosed buildings.
  - (b) (Minimum Distance) The minimum distance between any boundary line of an "R" District, and,
    - (i) A building or structure is fifty (50) feet;
    - (ii) A parking area used by passenger vehicles is fifteen (15) feet;
    - (iii) A driveway, parking area or loading dock used by trucks, tractors, semi-trailers or trailers is one hundred and fifty (150) feet;
    - (iv) A railroad switching track or spur track is three hundred (300) feet;
  - (c) (Smoke) No smoke is emitted of a density greater than No. 1 according to the Ringelmann's Scale, except that smoke of a density not in excess of No. 2 of the Ringelmann's Scale shall be permitted for a period not in excess of six (6) minutes in any hour.
  - (d) (Fly Ash) No particles from any flue or smokestack exceeds 0.2 grains per cubic foot of flue gas at a stack temperature of 500° Fahrenheit.
  - (e) (Dust) All walks, driveways and parking areas are dustproofed.
  - (f) (Dust) No dust of any kind produced by the industrial operations is permitted to escape beyond the confines of the building in which it is produced.
  - (g) (Odor) No noxious odor of any kind is permitted to extend beyond the lot lines. Tanneries, abattoirs, glue factories, oil refineries, soap factories, artificial gas manufacture, rubber manufacture, fertilizer manufacture and similar industries shall present detailed plans for elimination of noxious odors before a permit will be granted.
  - (h) (Gases and Fumes) No gases or fumes toxic to persons or injurious to property are permitted to escape beyond the building in which it occurs.
  - (i) (Glare) No glare may be seen from any street or any "R" or "B" District.
- (3) Accessory Building and Use
- K. "M3" District - Heavy Industrial
  - (1) All Uses Permitted in an "M2" District, except that a building or use providing dwelling units shall not be permitted.

- (2) Fabricating, Manufacturing, Processing, Extraction, Heavy Repair and Dismantling Industries, including open land operations provided the same conform to the following requirements:

- (a) (Smoke) No smoke is emitted of a density greater than No. 2 according to the Ringelmann's Scale, except that smoke of a greater density shall be permitted for a period not in excess of six (6) minutes in any one hour.
- (b) (Fly Ash) No particles from any flue or smokestack exceeds 0.3 grains per cubic foot of flue gas at a stack temperature of 500° Fahrenheit.
- (c) (Gases or Fumes) No gases or fumes toxic to persons or injurious to property are permitted to escape beyond the confines of the building in which it occurs.

- (3) Ready-Mix Concrete Plant or Asphalt Plant

- (4) Accessory Building and Use

L. "IA" District - Interchange Access District

- (1) An Interchange Access District is not a predetermined area with fixed boundaries within which certain uses are permitted and all other uses prohibited. It is a center which may be established upon application in each case within any district. Until it is so established, no use permitted in any district is prohibited. It may be so established only with reference to the location of an "IA" District Symbol previously established by amendment of the Zoning Maps referred to in Section 9 of this Chapter, but the establishment of such symbol does not establish an Interchange Access District or in any way affect existing zoning districts.

- (2) The following are uses which may be permitted in the "IA" District; when such a District has been established in each case as herein provided:

- (a) Tourist Home; Lodging Home
- (b) Public Park and Public Information Center
- (c) Public Parking Area
- (d) Service Station and Accessory Store; Car Wash; Light Automobile Repair, as permitted under Subsection E(3) (iii).
- (e) Delicatessen
- (f) Restaurant, exclusive of curb service and consumption on exterior premises.
- (g) Public Bath
- (h) Drug Store
- (i) Hotel or Motel as regulated by Section 14

All subject to compliance with the following requirements:

- (1) The tract involved shall be of an area of not less than three (3) acres nor more than ten (10)

acres and lie wholly or partially within three-quarters (3/4) of a mile of a point represented by an "IA" District Symbol shown on the Zoning Map.

(ii) The owner or owners of such tract of land shall have submitted a preliminary development plan for the entire such tract.

(iii) Such preliminary development plan shall have received the approval of the City Plan Commission.

(3) Plan Commission Procedure:

(a) An applicant for an interchange access district permit shall apply therefore to the Commission upon forms to be prescribed by the Commission. Such application shall be filed with the Plan Commission. Such application shall be accompanied by a preliminary development plan for the entire tract, described in said petition, together with supporting data therefore.

(b) Upon receipt of such application and preliminary development plan, the Commission shall review the same and set the same for public hearing. Notice of the hearing shall be the same notice as is required under the laws of the State of Indiana for the adoption of a Master Plan or amendments thereto under the Planning Acts of the State of Indiana.

(c) The Commission shall consider such objections and shall review the proposed development plan and supporting data on the basis of the requirements of this Chapter. Thereafter, the Commission shall take action as follows:

(i) If it shall find that such preliminary plan meets the requirements of this Chapter, it shall approve the same and so notify the applicant. The applicant shall, within one hundred eighty (180) days, submit to the Commission his final plan which shall be amended, approved, or disapproved by the Commission within sixty (60) days of its submission.

(ii) If it finds that upon said plan being amended, altered, or changed as specified by the Commission, it will meet the requirements of this Chapter, it shall so notify the applicant and thereupon the applicant shall prepare and file with the Commission another preliminary plan and its supporting data incorporating such specified changes. Upon the filing of the amended development plan complying with the required amendments of the Commission, the Commission shall approve the same and so notify the Zoning Enforcement Officer.

(iii) If it shall find that such plan does not comply with the requirements of this Chapter and is not susceptible of alteration, change, or amendment to meet such requirements, the Commission shall disapprove same.

(iv) Within one hundred eighty (180) days after approval of the preliminary plan, the developer shall file a final plan which shall be reviewed by the Plan Commission within sixty (60) days after filing.

(v) If either a preliminary or final is not approved in sixty (60) days after the written demand by developer to approve or disapprove same, it shall be deemed denied and an appeal lie by writ of certiorari.

(4) Development Plan Requirements:

In determining its approval or disapproval of a proposed development plan and supporting data, the Commission shall be governed by the following:

(a) The area to be occupied by the buildings in this district shall be twenty-five per cent (25%) or less of the net area of land described in the petition. Also, a minimum of ten per cent (10%) of the area dedicated to open space, exclusive of parking, shall be set aside for planting of trees, ground cover, shrubs, and other landscaping material, which landscaping plan shall be explained in detail on said final plan. Also, the landscaping shall be completed in proportion to the square footage of buildings under roof as related to the total project area.

(b) The location of the Interchange Access District shall be on property which has an acceptable relationship to major streets, highways, and thoroughfares which will serve the area. The plans for the proposed Interchange Access District must possess a unified and organized arrangement of buildings and service facilities which shall have a functional relationship to the property comprising the planned development and the uses of the property adjacent to the proposed development. In exercising its jurisdiction, the Plan Commission shall have the authority to restrict the size, height, and relationship of one building to another within the area involved, and architecture and actual design so long as these elements are directly related to the health, safety, convenience, welfare and morals of the community.

(c) (i) The preliminary plan shall indicate the legal description of the land for which the permit is sought.

(ii) The general location, general size and classification of land use of buildings and structures.

(iii) The general nature of the operations involved in and connected with such Interchange Access District and general layout, including the location, approximate size, arrangement and capacity of all areas to be used for vehicular access, parking, loading and unloading, and the relationship to streets or an artery giving access to said district.

(iv) Indication of the present and proposed sewers, water service, storm drainage.

(v) Area to be planted, shrubbed or otherwise landscaped.

(d) In reviewing said plan for an Interchange Access District, the Plan Commission shall have the right to require such design standards as service roads, setbacks, dedication of public right-of-way for street and highway purposes, and other design factors related to vehicular access so long as said



conditions are directly related to the health, safety, convenience, welfare and morals of the general public.

- (e) The Plan Commission shall have the authority to permit an Interchange Access District for areas less than three (3) acres providing the developer can show that due to natural physical characteristics or barriers, it is impossible to assemble more than the three (3) acres as required by previous section of this ordinance.

(5) Issuance of Permits:

The Zoning Enforcement Officer shall issue an improvement location permit for a use contained within an interchange district as herein defined only following receipt of notice from the Plan Commission that the final development plan has been approved by the Commission. No certificate of occupancy permit shall be issued by the Zoning Enforcement Officer until all buildings, landscaping, parking lots, driveways, sidewalks, etc., are installed in accordance with the approved plan.

(6) Construction of Improvement Under Permit:

Revocation of Permit:

Any person to whom is issued an Improvement Location Permit pursuant to Paragraph (3), Subsection "L", Section 14, who fails to commence construction of the Interchange Access District development within twenty-four (24) months after such permit is issued, or who fails to carry to completion thirty (30) per cent of the total buildings and landscaping as authorized by said permit within three (3) years after said permit is issued, or within one (1) year after such construction is begun, whichever is later, shall be subject to the following penalties:

- (a) If after public hearing and proper notice thereof the Commission finds that no substantial work has been commenced on said Interchange Access District according to the development plan as finally approved by the Commission as called for in the Improvement Location Permit within three (3) years after said permit is granted, it shall be revoked by said Commission.
- (b) If the plan is not completed as required by this Subsection, failure to complete said plan shall be considered a breach of the zoning laws and subject to the penalty called for in Chapter 36, Section 25A.
- (c) The Zoning Enforcement Officer may, after investigation, seek to enjoin the operation of said Interchange Access District if a substantial compliance with said plan has not been achieved in the time limit as herein set forth.

(7) Permits:

- (a) Not more than one Improvement Location Permit for each Interchange Access District may be issued and outstanding at any one time.

## (b) Amendments to Development Plan:

(i) The holder of an Interchange Access District Improvement Location Permit may apply to the Commission at any time for an alteration, change, amendment or extension of the development plan upon which such permit is based.

(ii) If an application shows that additional land is to be improved or used in connection with such Interchange Access District Permit then the Commission shall proceed as in the case of original application for an Interchange Access District Improvement Location Permit.

(iii) If no additional land is embraced in the application for alteration, change, amendment or extension, then the Commission shall be empowered to pass on such matters without requiring a public hearing thereon.

(iv) In the event the Commission shall approve and order such development plan changed, altered, amended or extended, it shall so notify the Zoning Enforcement Officer and he shall issue an amended Improvement Location Permit accordingly.

## M. "MHP" District - Mobile Home Park District

(1) Mobile Home Park Districts may be established by the Common Council on the initiative of the Plan Commission in accordance with a comprehensive plan for the entire area within its jurisdiction, after public hearing, within or including any other zoning district under this Chapter. Such Mobile Home Park Districts shall remain subject to the restrictions of such other districts except as to any part actually occupied by a Mobile Home Park after application and approval as herein provided. Until such districts have been so established initially on the initiative of the Plan Commission, no petitions for such zoning or applications for approval of Mobile Home Parks shall be received.

(2) The additional permitted use in a Mobile Home Park District is Mobile Home Parks as defined in Section 3, and subject to the procedure and approval as herein provided.

(3) After Mobile Home Park Districts have been established, applications for approval of development plans for a Mobile Home Park may be filed with the Plan Commission, and its procedure thereon shall be as provided for Interchange Access Districts under Section 14L (3) of this Chapter as added by General Ordinance No. G-21-65.

## (4) Development Plan Requirements:

In determining its approval or disapproval of a proposed development plan and supporting data, the Commission shall be governed by the following:

(a) The minimum area shall be eight (8) acres.

(b) The owner-developer shall submit a development plan showing the name of the mobile home park; its location by township, section, or other legal description, the name and address of the developer;

scale; date; north arrow; location, widths and names of all existing streets or public ways, railroads rights-of-way, utility easements, parks and other public open spaces, existing buildings, and structures within and adjacent to the tract; adjoining boundary lines of all adjacent land uses describing the land use or some other means of identification; the layout of proposed streets, driveways, alleys, and crosswalks within the proposed mobile home park; the layout of the proposed lots, their numbers and dimensions; the location of parcels of land intended for public use; the mobile home limit lines within each of the lots; contours, both existing and proposed, at intervals of not more than five (5) feet; location and type of all utility easements on the site or immediately adjacent to it; such other data as the Commission may by rule require.

- (c) All lots within the park shall be a minimum of forty (40) feet wide measured along a perpendicular to the side lot line, in the case of an irregular shaped lot the average lot width shall be at least forty (40) feet; minimum lot area shall be 3,000 square feet exclusive of the roadway drives and other open public spaces, but may include offstreet parking spaces; minimum side yard of six (6) feet and minimum rear yard of eight (8) feet; in no case shall a mobile home be located nearer than fifteen (15) feet from the nearest boundary line of the mobile home park; in no instance shall a mobile home be located nearer than six (6) feet from the edge of the street improvements.
- (d) Minimum street or driveway improvements within the mobile home park where off-street parking is provided - 30 feet; where no off-street parking is provided - 36 feet.
- (e) Streets shall be surfaced and improved to the standards and specifications of the Fort Wayne Board of Public Works.
- (f) At the time of application, a typical cross-section of any and all streets in the area must be submitted to the Board of Public Works for their approval.
- (g) Parking - Parking spaces shall be provided at the rate of two (2) parking spaces per lot.
- (h) Sidewalks, thirty (30) inches in minimum width, shall be provided and shall be so designed to meet the standards of the Fort Wayne Board of Public Works.
- (i) Street lighting shall be provided in accordance with the standards of the Fort Wayne Board of Public Works and the light value on all occupied streets shall be a minimum of 1/10th foot candle.
- (j) Screening - Screening of a type and design at the discretion of the Plan Commission shall be provided where any mobile home court is bounded by a public street, highway, or developed residential area.
- (k) Recreation area sufficient in size and activity shall be provided in each mobile home court. The size of the activity shall be at the discretion of the Plan Commission at the time of approval.

- (l) All sewer and water service shall be installed by the developer and shall conform to the minimum standards of the Fort Wayne Board of Public Works and the Health Department having jurisdiction.
- (m) The developer shall provide the Plan Commission with a statement from the school authorities having jurisdiction in the location of the proposed Mobile Home Park that the increased school enrollment, as a result of this mobile home park, will not cause undue hardship on the school required to serve the area involved.
- (n) All driveways, access roads, streets and lanes within the mobile home park shall be identified by some means so as to avoid confusion on the part of police and emergency equipment when called to a particular location within the mobile home park.
- (o) In the event the developer proposes to establish driveways or streets within the mobile home park as a public street, the design shall meet the minimum standards as prescribed by the Subdivision Control Ordinance of the City of Fort Wayne with the exception of improvement widths which shall be defined as Section M(4) (C).
- (p) At the time of approval, the developer shall show evidence that all common areas, open spaces, driveways, sidewalks, recreational facilities, and spaces other than the actual trailer lots shall be maintained. This evidence can be in the form of assessment against the lots, a restrictive covenant enforceable by the city or other suitable means of assurance that all public properties will be maintained within the mobile home park.
- (q) The developer shall provide a storage building on each trailer lot consisting of at least 50 square feet of enclosed floor space.
- (5) As to Issuance of Permits, Construction of Improvements under Permits, Revocation of Permits and Amendments to Development Plan, the provisions for Interchange Access Districts under Section 14L (5), (6) and (7) of this Chapter as added by General Ordinance No. G-21-65 shall be applicable.

#### U. Planned Unit Development. (G-100-70, 10/27/70)

- (1) Intent. Ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers can produce Planned Unit Developments which are in keeping with overall land use intensity and open space objective of the Master Plan while departing from the strict application of use, setback, height and minimum lot size requirements of several zones. The intent of this section is to permit such flexibility and provide performance criteria for Planned Unit Development which; permit a creative approach to the development of residential land; accomplish a more desirable environment than would be possible through the strict application of minimum requirements of the zoning code and subdivision code; provide for an efficient use of land, resulting in smaller networks of utilities and streets and thereby lower housing costs; enhance the appearance of neighborhoods through preservation of natural features, the

provision of underground utilities where feasible and the provision of recreation areas and open space in excess of existing zoning and subdivision requirements; provide an opportunity for new approaches to living environment; and provide an environment of stable character compatible with surrounding residential areas.

- (2) Voluntary alternate procedure. The use of the Planned Unit Development procedures contained herein is not mandatory for the development of any parcel of ground. The intent and purpose of this process is to provide a voluntary alternate procedure which maximizes the utilization of land primarily for the benefit, use, and enjoyment of the future residents of that area and the existing residents of the City of Port Wayne and its environs. In a Planned Unit Development open space and common recreational areas and facilities are the environment and livability benefits furnished to the resident and community in lieu of large individual lots.
- (3) Permitted Use. Pursuant to Planning Act of 1947, Chapter 174, and subject to the regulations, standards, and conditions set forth herein, Planned Unit Developments shall be permitted in Port Wayne's planning jurisdiction upon obtaining final development plan approval from the Plan Commission. A special exception certification for a Planned Unit Development or part thereof may be issued only after (1) final subdivision approval thereof by the Plan Commission, and (2) filing the approved plan in the Office of the Recorder of Allen County.
- (4) Location. Planned Unit Developments are permitted only in R1, R2, R3, RA, RB, B1A, B1B, B4 and M1 Zoning Districts.
- (5) Principles of Planned Unit Development. The Planned Unit Development is a permitted use designed to provide for developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. Such development may consist of individual lots or common building sites. Common land must be an essential and important element of the plan related to effecting the long-term value of the entire development.
- (6) Standards and criteria. Subject to the provision set forth herein, Planned Unit Developments are permitted uses on sites consisting of no less than ten (10) contiguous acres unless the Commission and Council permits a lesser acreage because of unusual circumstances.
- (7) Uses and Requirements.
  - (a) Residential Uses. Permitted land use requirements of the zone within which a Planned Unit Development is located shall apply, with the following exceptions:
    - (i) Open space reservations may be considered for population density and building intensity increases;
    - (ii) Permitted types of dwelling units may include single family detached homes, town houses, garden apartments or high-rise apartments;
    - (iii) Condominium, cooperative individual, municipal or any other type of ownership hereby is permitted.

(b) Non-residential uses. Non-residential uses, limited to those specifically approved by the Plan Commission, are permitted in a Planned Unit Development provided that such uses primarily are for the service and convenience of the residents of the development and further provide that:

(i) No store shall exceed 10,000 square feet of gross floor area; and,

(ii) The total mercantile and office space permitted within a Planned Unit Development shall not exceed forty (40) square feet of gross floor area under roof per dwelling unit in the development, excluding in such computation, buildings used for non-profit educational, recreational or cultural purposes. However, the Commission may exclude mercantile and office space if adequate facilities are proposed or are existing in the area.

(c) Minimum Requirements.

(i) Yard, setback, lot size, type of dwelling unit, height, frontage requirements, and use restrictions may be waived for the Planned Unit Development, provided that the spirit and intent of this section are complied with in the total development plan, as determined by the Plan Commission. The Plan Commission may determine that certain setbacks be required within all or a portion of the perimeter of the site and shall exercise ultimate discretion as to whether the total development plan does comply with the spirit and intent of this section.

(ii) Every dwelling unit shall have access to a public street, walkway or other area dedicated to common use.

(iii) The approximate location of structures, shown on the conceptual development plan, shall be so arranged as not to be detrimental to existing or other proposed structures or to the development of the neighborhood.

(d) Privacy. Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views, or uses and reduction of noise. Highrise buildings, if permitted, shall be located within a Planned Unit Development in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings.

(e) Off-Street Parking. Parking convenient to all dwelling units and other uses, shall be provided pursuant to the minimum requirements of the Rating Chart I of this ordinance. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking and service areas may be required through ample use of trees, shrubs, hedges and screening walls.

- (2) Perimeter Requirements. If topographical or other barriers within two hundred (200) feet of the perimeter of the development do not provide reasonable privacy for existing uses adjacent to the development, the Plan Commission shall impose either of the following requirements, or both:

(i) Structures located on the perimeter of the development must be set back in accordance with the provisions of the zoning ordinance controlling the area within which the development is situated; and,

(ii) Structures located on the perimeter of the development must be well screened in a manner which is approved by the Commission.

- (g) Interior Streets. The minimum roadway width of two-way streets shall be twenty-seven (27) feet. Such streets shall be paved according to city specifications for residential streets and maintained in good condition and lighted at night. The Plan Commission shall determine streets that must be dedicated so that proper vehicular traffic circulation is achieved between developments. No angle parking shall be permitted on any street.

- (h) Sidewalks. Sidewalks shall be provided as deemed necessary by the Plan Commission.

- (i) Swimming Pools. All swimming pools within a Planned Unit Development shall comply with the provisions of Chapter 37 of the Municipal Code.

- (8) Density. Density (Dwelling units per acre) may be increased if the character of the development and/or amenities incorporated in the development warrant such increases provided that in no case shall the density increase cause the density of the Planned Unit Development to be more than thirty-three percent (33%) in excess of the density which would be achieved under standard zoning regulations.

The Plan Commission shall determine the density which may be permitted within the Planned Unit Development by using the land use intensity Rating Chart I as a guide and modified by any increases in density permitted under Paragraph 8 B of this ordinance. Any additional density allowed shall be at the discretion of the Commission.

- (a) Planned Unit Development in more than one zone. If the Planned Unit Development is in more than one zone, the number of allowable dwelling units must be separately calculated for each portion of the planned development that is in a separate zone, and must then be combined to determine the number of dwelling units allowable in the entire Planned Unit Development.

- (b) Density increases. Density increase shall be governed by the precepts listed below, which are to be treated as additive, and not compounded:

(i) Open space reservation shall be considered for density increases according to the following provision:

For improved and unimproved common open space

(A) The first acre of common open space per 20 acres gross, if improved, permits a maximum increase of eight (8) percent; if first acre of common open space is unimproved, six (6) percent is allowed.

(B) The second acre of common open space per 20 acres of gross, if improved, permits a maximum increase of four (4) percent; if unimproved, three (3) percent is allowed.

(C) Each additional acre of common open space per 20 acres of gross, if improved, permits a maximum increase of three (3) percent; if unimproved, two (2) percent is allowed.

(ii) Character, identity and architectural and siting variation incorporated in a development shall be considered cause for density increases not to exceed fifteen (15) percent, provided these factors make a substantial contribution to the objectives of a Planned Unit Development. The degree of distinctiveness and the desirable variation achieved shall govern the amount of density increase which the Plan Commission may approve. Such variations may include, but are not limited to the following:

(A) Landscaping (a maximum increase of five (5) percent); streetscaping; open spaces and plazas; use of existing landscape; pedestrian way treatment; and recreational areas.

(B) Siting (a maximum increase of five (5) percent); visual focal points; use of existing physical features such as topography; view; sun and wind orientation; circulation pattern, physical environment; variation in building setbacks; and building groups (such as clustering).

(C) Design features (a maximum increase of five (5) percent); Street sections; architectural styles; harmonious use of materials; parking areas broken by landscape features; and varied use of house types.

(c) When density increase is not permitted. If the Plan Commission finds that any of the following conditions would be created by an increase in density permitted in subsection paragraph 8B, it may either deny any application for increase in density, or, limit the increase in density by an amount sufficient to avoid the creation of any of the following conditions:

(i) Inconvenient or unsafe access of the development.

(ii) Traffic congestion in streets adjoining the development.

(iii) An excessive burden imposed on parks, recreational areas, schools, and other public facilities which serve or are proposed to serve the development.

(d) Notification of density increase. The developer will be informed at the time of the approval of the Planned Unit Development, if the Commission should grant additional density.



(9) Open Spaces. "Common Open Space" is defined as a parcel or parcels of land or an area of water, or a combination of land and water, designed and intended for the use and enjoyment of residents of the Planned Unit Development, or of the general public. Improved common open spaces may contain accessory structures and improvements necessary or desirable for religious, educational, non-commercial; recreational areas are encouraged, such as children's informal play in close proximity to individual dwelling units, the concentration of dwellings; formal parks, picnic areas, playgrounds; and scenic open areas and communal non-commercial recreational facilities. The Plan Commission shall have sole discretion as in determining if open space is improved or unimproved space based upon plans submitted by developer.

(a) Conveyance and maintenance of common open space. All common open space, shown on the final development plan and recorded in the office of the Recorder of Allen County must be conveyed in accordance with one of the following methods:

(i) By dedication to the city department responsible for maintenance of the parcel as municipally owned and maintained common open space, provided the parcel is acceptable to that city department; or

(ii) By leasing or conveying title (including beneficial ownership) to a corporation, association or other legal entity. The terms of such lease or other instrument of conveyance must include provision, suitable to the Plan Commission for guaranteeing: (A) the continued use of such land for the intended purpose; (B) continuity or proper maintenance for those portions of the open space land requiring maintenance; (C) when appropriate, the availability of funds required for such maintenance; (D) adequate insurance protection; and (E) recovery for loss sustained by casualty, condemnation or otherwise.

In any event, the developer must file in the office of the City Plan Commission, at the time the approved final subdivision plat is filed, legal documents which will produce the aforesaid guarantees and, in particular, will provide a method for restricting the use of common open spaces for the designated purposes.

(b) Utility and continuity for common use. All common open space proposed for dedication to the City of Fort Wayne must be acceptable to it with regard to the size, shape, location and improvement. In addition, the applicant must show that the dedication of such areas as common open space will be of benefit to the general public of Fort Wayne and its environs.

(10) Improvements.

(a) Circulation facilities. The arrangement of public and common ways for pedestrian and vehicular circulation in relation to other existing or planned streets in the area and to the Master Plan, together with provisions for street improvements, shall be in compliance with standards set forth in subsection paragraph 7 E and paragraph 7 G above and in the Subdivision Control Ordinance. Upon application by developer and good cause shown, the Plan Commission may permit changes or alterations of such standards which are consistent with the spirit and intent of this section.

(b) Utilities. Whenever reasonably possible, all Planned Unit Developments shall provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm sewer facilities including grading, gutters, piping and treatment of turf to handle storm waters, prevent erosion and the formation of dust. Utilities and maintenance of facilities shall be in accordance with the requirements and regulations of the Fort Wayne Board of Public Works. A Planned Unit Development application shall not be approved unless adequate assurance is given that public or quasi-public water and sanitary sewer service will be available, except that upon application by the developer and good cause shown. The Plan Commission may modify or waive this requirement provided such action is consistent with the spirit and intent of this section.

(c) Pedestrian circulation. The pedestrian circulation system and its related walkways shall be insulated completely and as reasonably as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. This shall include, when deemed to be necessary by the Plan Commission, pedestrian underpass or overpass in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses which generate a considerable amount of pedestrian traffic.

- (11) Subdivision review. It is the intent of this ordinance that subdivision review under the Subdivision Control Ordinance be carried out as an integral part of the review of a Planned Unit Development under this section. The plans required under subsection 17 of this ordinance must be submitted in a form which substantially will satisfy requirements of the Subdivision Control Ordinance for the preliminary and final plan approvals. However, if any provisions of this ordinance and the Subdivision Control Ordinance are in conflict, the more restrictive or detailed requirements shall be met, unless specifically waived or altered by the Plan Commission.

It is the intent of this section to permit the submission of final subdivision applications for the whole, a part, or parts of the overall Planned Unit Development.

- (12) Procedure. A generalized summary of the steps for consideration and approval of Planned Unit Development and subdivision plans relating thereto is as follows:

- (a) Pre-application conference or conferences are held with the Director of Planning in order to obtain information and guidance in preparing the Planned Unit Development application.
- (b) The Planned Unit Development application (conceptual and schematic) with plans and statements is submitted to the Plan Commission and a public hearing is held.
- (c) If the Planned Unit Development plan is approved, the applicant is authorized to proceed with the preparation of the preliminary subdivision application. If the plan is disapproved then the Commission shall state the reasons for the rejection of the plan.
- (d) The preliminary subdivision application is filed with the Plan Commission for Commission action.

- (c) If the preliminary plan is approved, the final subdivision plan is filed with the Plan Commission. The Commission shall approve, modify and approve, or disapprove the application within sixty (60) days after a complete application is filed.
- (f) The applicant is notified of Plan Commission action. Approved subdivision plans shall be recorded as required herein and by the Fort Wayne Subdivision Control Ordinance.
- (g) The applicant shall commence construction on the approved subdivision within six (6) months, and begin construction in one (1) year on the approved Planned Unit Development following recordation of approved plans. Upon failure to do so, the Planned Unit Development and approvals are voidable. Work shall not commence on approved commercial or industrial sites until 50% of the Unit Development is completed and occupied.
- (13) Applicant. Planned Unit Development applications shall be filed in the name or names of the recorded owner or owners of property included in the development, as shown in the Allen County records. However, the applications may be filed by holder(s) of an equitable interest in such property. If recorded title is changed for all or any portions of such property prior to issuing final P.U.D. approval, the records of the Plan Commission and related documents shall be amended to reflect such changes before maps and documents are recorded by the Allen County Recorder, as provided herein.
- (14) Pre-application conference. To obtain information, each applicant shall confer with the Director of Planning and interested department heads in connection with the preparation of the Planned Unit Development application. The general outlines of the proposal, evidences schematically by sketch plans, are to be considered before submission of the Planned Unit Development application. Thereafter the Director of Planning shall furnish the applicant with his written comments regarding such conference, including appropriate recommendations to inform and assist the applicant prior to his preparing the components of the Planned Unit Development application. It is not required that any person requesting a pre-application conference be an owner or holder of an equitable interest in the subject property.
- (15) Planned Residential Unit Application.
- (a) All Planned Unit Development plans shall be submitted to the Plan Commission with an application in the form to be prescribed by it. The Plan Commission shall charge for the processing of the application of the proposed improvements, a fee of One Hundred Dollars (\$100) for each application. This fee shall be in addition to the fee prescribed in the subdivision code.
- (b) Within forty (40) days after a complete Planned Unit Development application has been filed with the Plan Commission, the Commission shall hold a public hearing, which shall be construed as satisfying any requirement for a subdivision hearing.
- (c) The Plan Commission shall approve, modify and approve, or disapprove any such application within forty (40) days after the public hearing. The Planned Unit Development application shall include the following:

(i) A declaration by the developer in which there is furnished:

(A) An evaluation of the proposed Planned Unit Development, together with the factors considered in the evaluation;

(B) A general statement regarding the nature and location of common open space and the means by which the developer will guarantee its continuity and maintenance;

(C) The general location and purpose of all non-residential structures;

(D) A general statement indicating the proposed types and location of dwelling units, the anticipated population density associated with each type; and

(E) The method by which utilities will be provided.

(ii) Conceptual and schematic plans incorporating the following elements:

(A) Those listed in subsection 8 hereof:

(B) Conceptual plans of the entire site showing:

(1) Existing contours accompanied by outline of grading plans.

(2) Typical cross-sections.

(3) Drainage control.

(4) Conceptual location of all main and accessory structures accompanied by an outline explaining intended heights, coverage and treatment of yards.

(5) General outline of motor vehicle parking and loading provisions.

(6) General traffic circulation features, public and private streets, width of right-of-way and roadway, location of vehicular access points thereto.

(7) Pedestrian circulation features, walks and paved areas.

(8) Landscaping and forestry features.

(9) General nature and location of public and private utilities and community facilities and services, including maintenance facilities.

(10) Recreational and other non-building areas designated.

(d) Common Open Space Information, including:

(i) Percentage of acreage of common open space in each part of the development.

(ii) General nature of common open space use.

(iii) Topographical factors affecting common open space.

- (e) A schematic plan summarizing:
- (i) Residential densities for each part of the development.
  - (ii) Maximum square footage of gross floor area (under roof) of mercantile and office space.
  - (iii) Acreage of common open space in each part of the development.
- (f) A document describing the proposed phasing program for the Planned Unit Development for all dwelling units, non-dwelling structures, recreational and other common facilities and open space improvements.
- (16) Approval, notice and authority to proceed.
- (a) Upon approval of the Planned Unit Development application by the Planning Commission and the Common Council, the Director of Planning forthwith shall:
    - (i) Furnish the developer with written notice of the approval.
    - (ii) Cause the Planned Unit Development to be noted on the face of the Official Zoning Map of the City of Fort Wayne by outlining the boundaries of land affected thereby.
    - (iii) File in the Commission Office a certified copy of the Planned Unit Development conceptual and schematic plan.
  - (b) The land described in the above notice shall be used only in accordance with the uses and densities shown on the certified Planned Unit Development conceptual and schematic plan, except as provided in subsection 21.
  - (c) When the above procedures have been completed, the developer may proceed with the preparation of the preliminary subdivision application.
- (17) Subdivision Processing.
- (a) Subdivision Plans. Subdivision plans shall be submitted in accordance with the Subdivision Control Ordinance to a scale of 1 inch = 100 feet. Subdivision plans also shall show the following:
    - (i) Preliminary
      - (A) Pedestrian ways for general circulation
      - (B) Outside parking areas
      - (C) Areas to be kept open for community use
      - (D) Parcels for subsequent sale (if any)
      - (E) Streets and easements
    - (ii) Final
      - (A) Exact engineering data on boundaries, streets and ways, easements, parcels for sale and monuments, in accordance with subdivision ordinance.

## (a) Excavation:

(1) Final slopes of sand or gravel shall not be steeper than one foot horizontal to one foot vertical.

(2) Temporary operating cut slopes of sand and gravel steeper than one foot horizontal to one foot vertical shall in no case be brought closer to an exterior property line, right-of-way line of any street, road, way or alley, as existing or as proposed in the Comprehensive Development Plan than 50 feet where a sight screen is provided or 75 feet in the case where no provision is made for sight screening.

(3) Explosives shall be used only between sun-up and sun-down except in the case of an emergency.

(4) Final sloping of quarry or sand and gravel pit excavations shall be accomplished within the time specified in the quarry or sand and gravel pit permit or as extended by the Board of Zoning Appeals.

## (b) Drainage of Premises:

The finished excavation shall be graded where possible in such a manner as to prevent the stagnation of storm waters or natural seepage.

## (c) Refilling, Erosion Control and Screen Planting:

(1) Dikes or other barriers and drainage structures shall be provided to prevent silting of natural drainage channels or storm drains in the area surrounding the quarry or sand and gravel pit.

(2) All final cut slopes shall be treated to prevent erosion; topsoil shall be replaced on such slopes to support vegetation; ground cover shall be planted within twelve months after a cut slope is excavated to its final position; and such ground cover shall be maintained for a period of time sufficient to provide vegetation or a density that will prevent erosion.

(3) Where required, suitable plant material shall be placed and maintained to screen out slopes from public view.

(4) Whenever quarrying or sand and gravel pit operations on any property have been completely exhausted, all buildings, structures or equipment not authorized under the permitted uses for the district in which the property is located, shall be entirely removed from such property within one year after such completion.

## (d) Maintenance and Operation:

(1) Quarries and sand and gravel pits shall be maintained at all times in a neat and orderly manner.

(2) Quarries and sand and gravel pits shall be operated so as to keep dust and noise to a minimum and access roads shall be maintained as dust-free surfaces from the public street to within one hundred feet of the loading point within the quarry or sand and gravel pit.

(3) Vehicles carrying materials from quarries or sand and gravel pits shall be loaded in such manner as to prevent spilling rock, gravel, sand or other materials of a mineral nature while in transit upon roads and highways.

(4) Quarry or sand and gravel pit excavations which may penetrate near or into a usable water bearing stratum shall be conducted in such a manner that any such stratum so approached or encountered will not be subject to pollution by operations or the excavation of a sand and gravel pit or subsequent to the abandonment of stone quarry or sand and gravel pit.

(e) Continuance of Existing Quarry or Sand and Gravel Pit.

A quarry or sand and gravel pit operation lawfully existing upon the effective date of this amendment to this chapter may be continued so long as such continued use complies with the requirements of Subsections (a), (b), (c) and (d) of Section 1 of this amendment to this chapter.

C. In B4, M1 and M2 Districts, the Board may permit:

(1) Custom butchering, meat cutting and canning.

(2) Livestock sales or auction, stock pens, except that such use shall not be permitted within 300 feet of an R District.

(3) Trailer Park, as defined in Section 3, provided that the following standards are met:

(a) No trailer park shall be located except with direct access to a primary, secondary street, major highway or expressway as shown on the Thoroughfare Plan for the City of Fort Wayne. In no event shall access to a trailer park be gained through a residential area or utilizing a residential type street. Also, the trailer park property shall have adequate frontage along the access road to provide for proper and safe ingress and egress to the trailer park area, considering the fact that an auto pulling a trailer is much longer and would require more maneuvering space than would normal automobile traffic.

(b) All sanitary sewage facilities, including connections provided for trailer space occupancy, shall meet the minimum standards of the City of Fort Wayne Board of Health, Allen County Board of Health, or the State of Indiana Board of Public Health depending upon the agency having jurisdiction. In the event there is a duplication of any laws of any of these agencies, the agency with the most restrictive requirements shall prevail.

(c) No trailer space in a trailer park shall be smaller than 30 feet in width and shall contain a minimum of 1,500 square feet of area for each trailer, exclusive of any street and/or driveway areas.

D. In considering a petition for any permitted Special Use, the Board shall give due regard to the following factors as they will apply to the particular situation:

(1) The location and size of the use; the nature and intensity of the operations involved in or conducted in connection with it; its site layout, including parking space requirements; and its relation to streets giving access to it so that vehicular traffic to and from the use will not create undue hazards to the normal traffic of the vicinity, taking into account among other things, vehicular turning movement in relation to routes of traffic flow, relation to street intersections, sight distances, and relation to pedestrian traffic.

(2) The nature, location, size, and site layout of the use so that it will be harmonious to the district in which it is situated.

E. (1) All special uses which existed upon the effective date of this chapter and which are located in a district which would permit such use in accordance with the provisions of this section, shall be regarded as conforming uses and may be continued, except that major changes in layout, expansion or extension to such uses shall be subject to Board review and approval as required for Special Uses.

(2) All special uses hereafter authorized by the Board in accordance with the provisions of this section, shall be regarded as conforming uses and may be continued, except that major changes in layout, expansion or extension to such use shall be subject to Board review and approval as required for Special Uses.

F. In R3 Districts the Board may permit a branch bank, branch post office, currency exchange, branch library, loan office, professional or commercial office, public utility customer office, real estate office, studio or savings and loan association.

G. In R1, R2, R3, RA and RB Districts the Board may permit insurance and similar offices which satisfy all the requirements for "Home Occupation", as such term is defined in this chapter, for a period not to exceed one (1) year from the date of the special use Improvement Location Permit issued by authority of the Board. The Special Use Improvement Location Permit may be reissued on each subsequent annual expiration date for an additional year if the Board finds that the public convenience and welfare will be substantially served and that the proposed renewal will not be unduly detrimental to the surrounding area. A public hearing will not be required for renewal permits.



Section 14. REGULATED USES. SPECIFIED DISTRICTS.

A. Regulated uses may be permitted by the Board after public hearing only in the specified districts indicated below. No permit for a regulated use shall be granted unless the Board shall have first found that the public convenience and welfare will be substantially served in that the proposed use will not be unduly detrimental to the surrounding area. No permit for a regulated use shall be granted unless the Board shall have first found that all applicable regulations of this ordinance have been met.

B. In M2 and M3 Districts the Board may permit regulated uses.

C. For the purpose of this section, the following terms shall have the following meanings:

(1) Adult Book Store - An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below), or an establishment with a segment of section devoted to the sale or display of such material.

(2) Adult Motion Picture Theatre - An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Area", (as defined below) for observation by patrons therein.

(3) Adult Mini Motion Picture Theatre - An enclosed building with a seating capacity for less than 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below) for observation by patrons therein.

(4) Adult Cabaret - Any place wherein food and/or any type of beverage is sold or given away on the premises and which features Topless Dancers, Go-Go Dancers, Exotic Dancers, Strippers, male or female impersonators, or similar entertainment.

(5) Adult Establishments - An establishment used as a place for displaying or exhibiting "Specified Sexual Activity" or "Specified Anatomical Areas", (as defined below) for remuneration.

(6) Specified Sexual Activity:

- (a) Human genitals in a state of sexual stimulation or arousal;
- (b) Acts of human masturbation, sexual intercourse or sodomy;
- (c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

(7) Specified Anatomical Areas:

- (a) Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
- (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

D. One Thousand Foot Locational Provision

(1) None of the following uses may be located within one thousand (1000) feet of each other:

Adult Book Store  
Adult Motion Picture Theatre  
Adult Mini Motion Picture Theatre  
Adult Cabaret  
Adult Establishment  
Licensed Massage Parlors or Establishments  
Pawn Shops  
Pool or Billiard Halls  
Public Lodging Houses  
Secondhand Stores  
Shoe Repair or Shoeshine Parlors

(2) The Board of Zoning Appeals may waive this locational provision for Adult Bookstores, Adult Motion Picture Theatres, Adult Mini Motion Picture Theatres, Adult Cabarets, Adult Establishment, Licensed Massage Parlors or Establishments, Pawn Shops, Pool or Billiard Halls, Public Lodging Houses, Secondhand Stores and Shoe Repair or Shoeshine Parlors if the following finds are made:

- (a) That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this ordinance will be observed.
- (b) That the proposed use will not enlarge or encourage the development of a "skid-row" area.
- (c) That the establishment of an additional regulated use will not be contrary to any program of urban conservation. Nor will it interfere with any program of urban renewal.
- (d) That all applicable regulations of this ordinance will be observed.

E. Five Hundred Foot Locational Provision

(1) It shall be unlawful to hereafter establish any Adult Bookstore, Adult Motion Picture Theatre, Adult Mini Motion Picture Theatre, Adult Cabaret, Adult Establishment, or Massage Parlor within 500 feet of building containing a residential dwelling or rooming unit or within 500 feet of a church or educational establishment.

(2) The Board of Zoning Appeals may waive this prohibition for Adult Motion Picture Theatres, Adult Mini Motion Picture Theatre, Adult Cabaret, Adult Establishment, and Licensed Massage Parlors or Establishments, and Adult Bookstores if the person applying for the waiver shall file with the Board of Zoning Appeals a petition which indicates approval of the proposed regulated use by 51 percent of the persons owning property within a radius of 500 feet of the location of the proposed use. The petitioner shall attempt to contact all eligible locations within this radius and must maintain a list of all addresses at which no contact was made.

(3) The Board of Zoning Appeals shall adopt rules and regulations governing the procedure for securing the petition of consent provided for in this section of the ordinance. The rules shall provide that the circulator of the petition requesting a

1 waiver shall subscribe to an affidavit attesting to the fact that  
2 the petition was circulated in accordance with the rules of the  
3 Board of Zoning Appeals and that the circulator personally  
4 witnessed the signatures on the petition and that the same were  
5 affixed to the petition by the person whose name appeared thereon.

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(4) The Board of Zoning Appeals shall not consider this  
waiver until the above described petition shall have been filed  
and verified.

Section 15. PERMITTED USES - SPECIFIED DISTRICTS. The following uses shall be permitted in the district hereinafter specified:

A. "R1" District - One Family Residence

- (1) One Family Dwelling
- (2) Public Park or Recreation Area
- (3) Church, Public or Parochial Primary or Secondary School, including attached or free standing announcement or bulletin board, not exceeding 24 square feet in area.
- (4) Home Occupation
- (5) Limited Group Home, if its location is first approved by the Board of Zoning Appeals following a public hearing.
- (6) Accessory Building and Use.
- (7) Name Plate or Sign - One per dwelling unit not exceeding 1 square foot in area; unlighted signs not exceeding 12 square feet in area pertaining to sale or rental of property on which located.

B. "R2" District - Two Family Residence

- (1) All Uses Permitted in the "R1" District, plus:
- (2) Two Family Dwelling
- (3) Day Nursery
- (4) Limited Group Home, provided that not more than two group homes or halfway houses in any combination as outlined by definitions 26, 30, and 36 shall be located in any block group and that no more than one group home or halfway house be located on a block face without a prior approval of the Board of Zoning Appeals (see definitions for block groups and block faces). In no event shall any of the above uses be continuous. Certificate of Occupancy required in all cases.
- (5) Extended Group Homes, if its location is first approved by the Board of Zoning Appeals following a public hearing.
- (6) Half-Way House, if its location is first approved by the Board of Zoning Appeals following a public hearing.

C. "R3" District - Multiple Family Residence

- (1) All uses permitted in the "R2" District, plus:
- (2) Multiple Family Residence
- (3) Apartment Hotel
- (4) Day Nursery, Tourist Home, Lodging Home
- (5) Nursing Home or Rest Home
- (6) Non-Profit Private Club
- (7) Mortuary

- 1 (8) Extended Group Home, provided that not more than two
- 2 group homes or half-way houses in any combination as
- 3 outlined by definitions 26, 30, and 36 shall be located
- 4 in any block group and that not more than one group
- 5 home or half-way house be located on a block face
- 6 without prior approval of the Board of Zoning Appeals
- 7 (see definitions for block groups and block faces). In
- 8 no event shall any of the above uses be contiguous.
- 9 Certificate of Occupancy required in all cases.
- 10
- 11 (9) Half-Way House, provided that not more than two group
- 12 homes or half-way houses in any combination as outlined
- 13 by definitions 26, 30, and 36 shall be located in any
- 14 block group and that not more than one group home or
- 15 half-way house be located on a block face without prior
- 16 approval of the Board of Zoning Appeals (see definitions
- 17 for block groups and block faces). In no event shall
- 18 any of the above uses be contiguous. Certificate of
- 19 Occupancy required in all cases.
- 20
- 21 (10) Office or Studio, if its location is first approved by
- 22 the Board of Zoning Appeals following a public hearing.
- 23
- 24 (11) Accessory Building and Use
- 25
- 26 D. "RA" District and "RB" District - Residence (G-97-70, 8/25/70)
- 27
- 28 (1) Dwelling
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- 30 (2) Public Park and Recreation Area
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- 32 (3) Church, Public or Parochial Primary or Secondary School,
- 33 including attached or free standing bulletin board not
- 34 exceeding 24 square feet in area.
- 35
- (4) Agriculture, Nursery or Truck Garden (Open or Under Glass)
- (5) Home Occupation
- (6) Tourist Home or Lodging Home, if its location is first
- approved by the Board of Zoning Appeals following a
- public hearing.
- (7) Nursing Home or Rest Home, if its location is first
- approved by the Board of Zoning Appeals following a
- public hearing.
- (8) Accessory Building and Use, including roadside stands
- for the retail sale of commodities produced on the
- premises only.
- (9) Name plate or Sign, one per dwelling not exceeding
- 1 square foot in area; unlighted signs not exceeding
- 12 square feet in area pertaining to the sale or
- rental of property on which it is located.
- (10) Multiple Family Dwellings in "RA" or "RB" District -
- If the Commission shall find that substantial property
- rights in the area surrounding the tract may be directly
- affected by the development, a public hearing shall be
- held by the Commission before it approves a preliminary
- development plan; otherwise, a public hearing shall not
- be required. Notice of any such public hearing shall
- be the same notice as is required under the laws of the
- State of Indiana for the adoption of a Master Plan or
- amendments thereto under the Planning Acts of the State
- of Indiana.

(A) The development plan shall meet the location criteria:

1. The location and size of the development would be compatible with the surrounding area and would not conflict with any components of the Master Plan of the City of Fort Wayne.
2. The location of the development would provide direct access to a secondary or primary street or sufficient right-of-way and improvement width, or a residential street that meets the minimum requirements of both right-of-way and improvement of a secondary street unless waived by the Plan Commission.
3. Written approval is received from the agency having jurisdiction that the development would not impose hardships on the following facilities:
  - (a) Water
  - (b) Sewer
  - (c) Streets
  - (d) Schools
  - (e) Parks & Playgrounds
  - (f) Fire Protection
  - (g) Storm Water Drainage
4. The Commission shall determine which street shall be dedicated and which passageways are to be private streets or parking lots.
5. If the Commission is of the opinion that the location of the multiple family or multiple group development would conflict with the Master Plan for the City of Fort Wayne or would be detrimental to the growth of existing uses in the surrounding area, the Commission may disapprove said multiple development proposal, providing, however, such approval by the Commission will not be unreasonably withheld.

(B) The preliminary development plan shall meet the following standards and include the following information and supporting data:

1. No less than 2,500 square feet of land is devoted to any efficiency, one or two bedroom living unit. In determining density no part of any existing street right-of-way or proposed right-of-way as shown in the Thoroughfare Plan shall be included.
2. Living units having three (3) or more bedrooms shall have a minimum 4,000 square feet of land per unit. In determining density no part of any existing street right-of-way or proposed right-of-way as shown in the Thoroughfare Plan shall be included.
3. The minimum off-street parking requirement shall be one and one-half (1 1/2) spaces per unit and must be in an acceptable location to the building served. All parking spaces on public or private streets shall be parallel to the street.

4. All Dedicated streets shall conform to the minimum requirements of the Subdivision Control Ordinance of the City of Fort Wayne and provide alignment with existing dedicated streets.
  5. The maximum building coverage does not exceed thirty (30) percent of the tract, exclusive of streets.
  6. Recreation or laundry facilities be located in a manner that would serve only the proposed multiple family complex. The use of these facilities by persons living outside this complex would be a violation of this ordinance.
  7. In a multiple family or multiple group development, no building shall be closer than twenty-five (25) feet to an adjacent property line in the case of a one-story building nor closer than thirty (30) feet in the case of a two-story building. The Plan Commission may waive front, side or rear yard requirements if such waiver would compliment the plan.
  8. Date, Scale 1" = 50', North Point, Name of Designer or Engineer and name and address of developer of tract.
  9. Accurate boundaries of proposed development and accurate location of abutting streets and structures.
  10. Location, size, use and capacity of all structures existing or to be placed on the tract.
  11. Proposed point of ingress and egress for the planned development with proposed parking areas.
  12. Existing and proposed rights-of-way of existing or proposed streets, road and highways.
  13. Proposed site screening and landscaping of development. A minimum of forty (40) percent of all open space, exclusive of streets, shall be devoted to landscaping, unless waived by the Commission.
  14. Proposals for sewers, water, gas, electricity and storm drainage the necessary easements for these utilities.
  15. Proposals for control of storm water runoff.
  16. A fifty dollar (50) application fee must be paid to the City of Fort Wayne, at the City Plan Commission Office, for the processing of this development plan.
  17. The Commission shall determine the location and type of all additional sidewalks.
- (C) If the Commission approves the preliminary development plan, the final development plan shall be submitted to the Commission twenty-one (21) days prior to their scheduled meeting and include the original tracing, five (5) prints and the following additional information and supporting data:

1. Five (5) sets of improvement plans to be distributed to the Street Engineer, Water Engineer and Sewer Engineer and drawn in compliance with the Fort Wayne Board of Public Works Specifications.
2. Existing contours at two (2) foot intervals with spot elevations of finished grade and directions of storm water runoff.
3. To dedicate the streets and easements within this development plan, the following should be added:
  - (a) Name of Plat
  - (b) Street name assigned to streets to be dedicated and defining of streets or drives to remain private.
  - (c) Certification by land surveyor registered by the State of Indiana.
  - (d) Lot lines and dimensions.
  - (e) Execution and notary by Owners of land.
  - (f) Instrument of approval for signatures of governing bodies.
  - (g) Private restrictive covenants.
  - (h) Statement dedicating streets and easements to the City of Fort Wayne.

4. Issuance of Permit:

The Zoning Enforcement Officer shall issue an Improvement Location Permit for Multiple Family or Multiple Group Development as herein defined only following receipt of notice from the Plan Commission that the final development plan has been approved by the Plan Commission.

5. Construction of Improvement under permit:

Revocation of Permit:

Any person to whom is issued an Improvement Location Permit pursuant to Sub-section (4) above, who fails to commence construction of the Multiple Family or Multiple Group Development within twenty-four (24) months after such permit is issued or who fails to carry to completion thirty (30) percent of the total buildings as authorized by said permit within three (3) years after said permit is issued, or within one (1) year after such construction is begun, whichever is later, shall be subject to the following penalties:

- (a) If after public hearing the Commission finds that no substantial work has been commenced on said Multiple Family or Multiple Group Development according to the development plan as finally approved by the Commission as called for in the Improvement Location Permit within three (3) years after said permit is granted, it shall be revoked by said Commission.
- (b) If the plan is not completed as required by this Sub-section, failure to complete said plan shall be considered a breach of the zoning laws and subject to the penalty called for in Chapter 33, Section 25 A.



- (c) The Commission may, after investigation, seek to enjoin the operation of said Multiple Family or Multiple Group Development if a substantial compliance with said plan has not been achieved in the time limit as herein set forth.

6. Permits:

- (a) Not more than one Improvement Location Permit for each Multiple Family or Multiple Group Development district may be issued and outstanding at any one time.

(b) Amendments to Development Plan:

(i) The holder of a Multiple Family or Multiple Group Development district Improvement Location Permit may apply to the Commission at any time for an alteration, change, amendment or extension of the development plan upon which said permit is based.

(ii) If an application shows that additional land is to be improved or used in connection with such Multiple Family or Multiple Group Development permit, then the Commission shall proceed as in the case of original application for a Multiple Family or Multiple Group Development Improvement Location Permit.

(iii) If no additional land is embraced in the application for alteration, change, amendment or extension, then the Commission shall be empowered to pass on such matters without requiring a public hearing thereon.

(iv) In the event the Commission shall approve and order such development plan changed, altered amended or extended, it shall so notify the Zoning Enforcement Officer, and he shall issue an amended Improvement Location Permit accordingly.

E. "B1" District - Limited Business

The "B1" District classification is further divided into "B1A" District and "B1B" District as follows, both of which are included where reference is made to a "B1" District. All areas designated as "B1" Districts on the Zoning Map shall be subject to the provisions as to "B1B" Districts until the Zoning Map is amended to designate any area as "B1A".

"B1A" District

- (1) All uses permitted in an "R3" District or which the Board of Zoning Appeals may permit as special uses in an "R3" District:
- (2) Agriculture
- (3) Public Parking Area
- (4) Taxi Station
- (5) Travel Bureau

- |    |   |
|----|---|
| 1  | (6) Hat Cleaning and Repair Shop                    |
| 2  | (7) Self-Service Laundry or Agency                  |
| 3  | (8) Shoe Repair Shop or Shoe Shining                |
| 4  | (9) Tailor  |
| 5  | (10) Phonograph and Record Shop                     |
| 6  | (11) Photographic Supply Shop or Studio             |
| 7  | (12) Bakery Goods Store                             |
| 8  | (13) Confectionary, Ice Cream, or Candy Store       |
| 9  | (14) Delicatessen                                   |
| 10 | (15) Fruit or Vegetable Store                       |
| 11 | (16) Grocery Store                                  |
| 12 | (17) Meat Market                                    |
| 13 | (18) Super Market                                   |
| 14 | (19) Tea Room                                       |
| 15 | (20) Beauty Parlor                                  |
| 16 | (21) Barber Shop                                    |
| 17 | (22) Cosmetics Store                                |
| 18 | (23) Book Store                                     |
| 19 | (24) Cigar Store                                    |
| 20 | (25) Drug Store                                     |
| 21 | (26) Dry Goods Store                                |
| 22 | (27) Gift Shop                                      |
| 23 | (28) Hardware Store                                 |
| 24 | (29) Garden Equipment Supply Store                  |
| 25 | (30) Haberdashery                                   |
| 26 | (31) Hobby Shop                                     |
| 27 | (32) Jewelry Store, including Clock or Watch Repair |
| 28 | (33) Leather Goods or Luggage Store                 |
| 29 | (34) Millinery Shop                                 |
| 30 | (35) Notion Store                                   |
| 31 | (36) Optician or Optometrist Office                 |
| 32 | (37) Paint Store                                    |
| 33 | (38) Ready-To-Wear Shop                             |
| 34 |   |
| 35 |   |

- 1 (39) Retail Florist, including Greenhouse of less  
2 than 1,000 square feet of ground floor area.
- 3 (40) Shoe Store
- 4 (41) Sporting Goods Store
- 5 (42) Stationery or News Dealer Store
- 6 (43) Toy Shop
- 7 (44) Variety Store
- 8 (45) Accessory Building and Use
- 9 "BLB" District
- 10 (1) All uses permitted in an "BLA" District, plus:
- 11 (2) Service Station
- 12 (3) Tire and Accessory Store
- 13 (4) Automobile Washing Station, with provision for  
14 off-street parking for sixty (60) or more vehicles.
- 15 (5) Letter press or Offset or Lithographic Printing  
16 Plant
- 17 (6) Dressmaking Shop
- 18 (7) Clothes Cleaning Agency, Pressing Establishment
- 19 (8) Costume Rental
- 20 (9) Diaper Service Station
- 21 (10) Electrical Appliance or Radio Store
- 22 (11) Household Appliance Store
- 23 (12) Caterer
- 24 (13) Package Liquor Store
- 25 (14) Restaurant, including Tavern and Bar, but not  
26 including a drive-in restaurant.
- 27 (15) Orthopedic or Medical Appliance Store
- 28 (16) Reducing Salon
- 29 (17) Bird Store or Pet Shop
- 30 (18) Department Store
- 31 (19) Furrier, including cold storage of garments
- 32 (20) Interior Decorating or Furniture Store
- 33 (21) Music Conservatory School or Instrument Store
- 34 (22) Bowling Alley
- 35 (23) Billiard and Pool Hall, as Regulated by Section 14.

- (24) Indoor Theatre, but not including an Adult Motion Picture Theatre or Adult Mini Motion Picture Theatre as defined in Section 14.
  - (25) Hotel, Motel, Private Club or Lodge.
  - (26) Advertising Sign or Billboard, provided that when the same is located within fifty (50) feet of an R District boundary line it shall be affixed to or be a part of a building and not extend over any street line nor project above the roof line.
  - (27) Electrical Substations and Telephone Exchanges
  - (28) Accessory Building and Use
  - (29) Animal Hospital or Kennel catering to household pets, as distinguished from agricultural animals, provided all animal runs are located within an enclosed building, and provided further that all noises and odors be confined to the interior of the building or buildings, and provided further that same not be operated as to constitute a nuisance in the neighborhood.
- F. "B2" - "B2A", Regional and Neighborhood Shopping Centers

(1) All "B1" uses specifically listed in Section 14E for "B2" Centers; all of said uses except "B1B" uses (4) (5) (24) (25) and (26) for "B2A" Centers; provided, however, that no taverns, bars or agriculture shall be permitted in either a "B2" or a "B2A" Center; subject to compliance with the following requirements:

- (a) The tract involved shall be of an area of not less than ten (10) acres for a "B2" Center, and shall not be less than three (3) acres nor more than ten (10) acres for a "B2A" Center, and lie wholly or partially within 1,400 feet of a point represented by a "B2" or "B2A" symbol on the Zoning Map.
  - (b) The owner or owners of such tract of land shall have prepared a preliminary development plan for the entire such tract.
  - (c) Such preliminary development plan shall have received the approval of the Commission.
- (2) Plan Commission Procedure:
- (a) An applicant for a Shopping Center Permit shall apply therefor to the Commission upon forms to be prescribed by the Commission. Such application shall be filed with the Land Use Administrator and transmitted by him to the Commission. Such application shall be accompanied by a preliminary development plan for the entire tract described in said petition, together with the supporting data therefor.
  - (b) Upon receipt of such application and preliminary development plan, the Commission shall review the same and set the same for public hearing. Notice of the hearing shall be the same notice as is required under the laws of the State of Indiana for the adoption of a Master Plan or Amendments thereto under the planning acts of the State of Indiana.

(c) The Commission shall consider such objections and shall review the proposed development plan and the supporting data from the basis of the requirements of this chapter. Thereafter, the Commission shall take action as follows:

(i) If it shall find that such preliminary plans meet the requirements of this chapter, it shall approve the same and so notify the applicant. The applicant shall within 180 days submit to the Commission his final plan which shall be amended, approved or disapproved by the Commission within 60 days of its submission.

(ii) If it finds that upon said plan being amended, altered and changed as specified by the Commission, it will meet the requirements of this Chapter, it shall so notify the applicant, and thereupon the applicant shall prepare and file with the Commission another preliminary development plan and supporting data incorporating such specified changes. Upon the filing of the amended development plan, complying with the required amendments of the Commission shall approve the same and so notify the Zoning Enforcement Officer.

(iii) If it shall find that such plan does not comply with the requirements of this Chapter, and is not susceptible of alteration, change or amendment to meet such requirements, the Commission will disapprove same.

(iv) Within 180 days after approval of the preliminary plan, developer shall file final plan, which shall be approved by the Commission within 60 days after filing.

(v) If either a preliminary plan or final plan is not approved in 60 days after a written demand by developer to approve or disapprove same, it shall be deemed denied and an appeal lie by writ of certiorari.

(3) Development Plan Requirements:

In determining its approval or disapproval of a proposed development plan and supporting data, the Commission shall be governed by the following:

(a) The area to be occupied by the buildings in this district shall be twenty-five (25) percent or less of the net area of the land described in the petition. Also, ten (10) percent of the area dedicated to open space shall be set aside for planting of trees, ground cover, shrubs, and other landscaping material, which landscaping plan shall be explained in detail on said final plan.

(b) The location of the shopping center shall be on property which has an acceptable relationship to major thoroughfares. The plans for the proposed shopping center must possess a unified and organized arrangement of buildings and service facilities, which shall have a functional relationship to the property comprising the plan development and the uses of the property immediately adjacent to the proposed development. In exercising its jurisdiction, the Plan Commission shall have the authority to restrict the size, height, and relationship of one building to another within the center and architecture and actual design so long as these elements are directly related to the health, safety, welfare and morals of the community.

- (c) (i) The preliminary plat shall indicate the legal description of land for which the permit is sought.
- (ii) The general location, general size and estimated classification of land use of buildings and structures.
- (iii) The general nature of the operations involved in and connected with such shopping center and general layout, including the location, approximate size, arrangement and capacity of all areas to be used for vehicular access, parking, loading, and unloading and the relationship to streets or an artery giving access to said center.
- (iv) Indication of the present and proposed sewers, water service and storm drainage.
- (v) Area to be planted, shrubbed or otherwise landscaped.

(4) Issuance of Permit:

The Zoning Enforcement Officer shall issue an improvement location permit for a shopping center as herein defined only following receipt of notice from the Plan Commission that the final development plan has been approved by the Plan Commission.

(5) Construction of Improvement under permit:

Revocation of Permit:

Any person to whom is issued an Improvement Location Permit pursuant to Sub-section (4) above, who fails to commence construction of the shopping center within twenty-four (24) months after such permit is issued or who fails to carry to completion thirty (30) per cent of the total buildings as authorized by said permit within three (3) years after said permit is issued, or within one (1) year after such construction is begun, whichever is later, shall be subject to the following penalties:

- (a) If after public hearing the Commission finds that no substantial work has been commenced on said shopping center according to the development plan as finally approved by the Commission as called for in the Improvement Location Permit within three (3) years after said permit is granted, it shall be revoked by said Commission.
- (b) If the plan is not completed as required by this Sub-section, failure to complete said plan shall be considered a breach of the zoning laws and subject to the penalty called for in Chapter 33, Section 26A.
- (c) The Commission may, after investigation, seek to enjoin the operation of said shopping center if a substantial compliance with said plan has not been achieved in the time limit as herein set forth.
- (6) Permits:
- (a) Not more than one Improvement Location Permit for each shopping center district may be issued and outstanding at any one time.

## (b) Amendments to Development Plan:

(i) The holder of a shopping center district Improvement Location Permit may apply to the Commission at any time for an alteration, change, amendment or extension of the development plan upon which such permit is based.

(ii) If an application shows that additional land is to be improved or used in connection with such shopping center permit, then the Commission shall proceed as in the case of original application for a shopping center Improvement Location Permit.

(iii) If no additional land is embraced in the application for alteration, change, amendment or extension, then the Commission shall be empowered to pass on such matters without requiring a public hearing thereon.

(iv) In the event the Commission shall approve and order such development plan changed, altered, amended or extended, it shall so notify the Zoning Enforcement Officer, and he shall issue an amended Improvement Location Permit accordingly.

## G. "B3A" and "B3B" District - General Business.

(1) All Uses Permitted in the "B1A" and "B1B" Districts, Plus

(2) Automotive Service, including but not limited to the following:

(a) Automobile Repair or Body Shop

(b) Automobile Showroom

(c) Battery Repair Shop

(d) Bicycle Repair Shop

(e) Motorcycle Shop

(f) Public Garage

(g) Trailer or Mobile Home Sales Lot

(h) Used Car Sales Lot

(3) General Retail Service, including but not limited to the following:

(a) Antique Shop

(b) Art Store or Art Studio

(c) Boat Showroom

(d) Coin or Philatelic Store

(e) House Accessory Display or Sales Store

(f) Pawnshop as regulated by Section 14

(g) Picture Framing Shop

(h) Retail Feed Store

(i) Second Hand Store or Rummage Shop as regulated by Section 14

- 1 (j) Taxidermist
- 2 (4) Recreational Enterprise, including but not limited to
- 3 the following:
- 4 (a) Dance Hall or Studio
- 5 (b) Night Club, but not including an Adult Cabaret as
- 6 defined in Section 14
- 7 (c) Shooting Gallery
- 8 (d) Penny Arcade
- 9 (e) Skating Rink
- 10 (f) Boxing Club or Gymnasium
- 11 (5) Business or Trade School
- 12 (6) Motor Bus or Railroad Passenger Station
- 13 (7) Repair and Service Establishment, including but not
- 14 limited to the following:
- 15 (a) Cabinet or Carpenter Shop
- 16 (b) Exterminating Shop
- 17 (c) Glass Cutting or Glazing Shop
- 18 (d) Laundry or Cleaning Plant
- 19 (e) Plumbing, Heating, Air Conditioning or Electrical
- 20 Service Shop
- 21 (f) Sheet Metal Shop
- 22 (g) Sign Painting Shop
- 23 (h) Silver Plating or Repair Shop
- 24 (i) Upholstery Shop
- 25 (j) Window Blind Sales or Repair Shop
- 26 (k) Welding Shop
- 27 (8) Rescue or Revival Mission
- 28 (9) Accessory Building and Use
- 29 H. "B4" District - Roadside Business
- 30 (1) All Uses Permitted in the "B3A" and "B3B" Districts,
- 31 Plus:
- 32 (2) Drive-In Establishment, including but not limited to
- 33 the following:
- 34 (a) Agricultural Implement Sales or Service Store
- 35 (b) Archery, Golf and Similar Range
- (c) Auction Hall
- (d) Drive-In Restaurant is defined as follows:



- 1 (i) Any eating establishment with more than twenty-
- 2 five percent (25%) of the gross floor area devoted
- 3 to kitchen and cold storage space, or
- 4 (ii) Any eating establishment the plan for which
- 5 evidences space provision or appurtenances necessary
- 6 for food or drink consumption outside the restaur-
- 7 ant building either on the premises or on public
- 8 ways, or
- 9 (iii) Any eating establishment where more than ten
- 10 percent (10%) of the food and drink sold is actually
- 11 carried out of the restaurant building, except food
- 12 and drink packaged for home consumption.
- 13 (e) Drive-In Theatre
- 14 (f) Fruit and Vegetable Stand
- 15 (g) Ice Vending Station
- 16 (h) Pottery or Souvenir Shop
- 17 (i) Refreshment Stand
- 18 (3) Amusement Enterprise, including but not limited to the
- 19 following:
- 20 (a) Children's Amusement Park
- 21 (b) Miniature Golf Course
- 22 (c) Miniature Railroad
- 23 (d) Pony Riding Ring
- 24 (e) Race Track
- 25 (f) Riding Academy or Stable
- 26 (g) Skating Rink
- 27 (4) Other Services, including but not limited to the
- 28 following:
- 29 (a) Animal Hospital or Kennel utilizing enclosed or
- 30 outside animal runs.
- 31 (b) Bottled Gas Service
- 32 (c) Camp Ground
- 33 (d) Wholesale Florist, Greenhouse
- 34 (e) Light Equipment Rental Service
- 35 (f) Live Bait Stand
- (5) Accessory Building and Use
- I. "M1" District - Light Industrial
- (1) All Uses Permitted in the "B4" District, Plus:
- (2) Other Commercial Uses, including but not limited to the
- following:

BILL NO. Z-79-02-09

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. R-22

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R-3 District - Multiple Family Residential under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. R-22, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Part of Lot #3 and part of Lot #4 in Parkwood  
Place as recorded in the plat thereof in the  
Office of the Recorder of Allen County, Indiana,  
more particularly described as follows:

Beginning at the southwest corner of Lot #4 in  
Parkwood Place as recorded in the plat thereof  
in the Office of the Recorder of Allen County,  
Indiana, said point being 40 feet east of the  
west line of the West Half of the Southwest  
Quarter of Section 29, Township 31 North, Range  
13 East, Allen County, Indiana; thence east  
along the south line of Lot #4, a distance of  
152.2 feet, said point being 1.8 feet west of  
the southeast corner of Lot #4; thence north  
with a deflection angle to the left of 89 degr.  
52 min. 10 sec. a distance of 148 feet; thence  
west with a deflection angle to the left of 90  
degr. 07 min. 50 sec. a distance of 152.2 feet  
to a point on the west line of Lot #3; thence  
south with a deflection angle to the left of 89  
degr. 52 min. 10 sec. along the west line of  
Lot #3 and Lot #4 a distance of 148.0 feet to  
the point of beginning, containing 0.52 acres.

SECTION 2. That this Ordinance shall be in full force and effect  
from and after its passage, approval by the Mayor legal publication thereof.

John Nuckols  
Councilman

Read the first time in full and on motion by Nuckols, seconded  
by V. Schmidt, and duly adopted, read the second time by title and referred  
to the Committee on Regulations and the City Plan Commission for recommendation

Date: 2-13-79

Charles W. Westerman  
City Clerk

BILL NO. G-79-02-10

GENERAL ORDINANCE NO. G-

AN ORDINANCE amending certain  
Sections of Chapter 17 of Code of the  
City of Fort Wayne, Indiana of 1974

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That Schedule 2, Section 17-39 "Increasing State Speed  
Limits in Certain Zones", of the Code of the City of Fort Wayne, Indiana of 1974,  
be and the same is hereby amended by adding to Schedule 2 the following:

SPEED LIMIT - 40 M.P.H.

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
St. Joe Rd.	St. Joe Center Rd.	Evard Rd.

SPEED LIMIT - 25 M.P.H. WHEN CHILDREN PRESENT

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
Vance Ave.	Parnell Ave.	River Forest Dr

SECTION 2. That Schedule 5, Section 17-49 "Intersections Where  
Stop Required", of the Code of the City of Fort Wayne, Indiana of 1974, be and  
the same is hereby amended by deleting from Schedule 5 the following:

STOP INTERSECTION

Taylor St.	-Stop-	at Freeman St.
Freeman St.	-Stop-	at Taylor St.

SECTION 3. That Schedule 5, Section 17-49 "Intersections Where Stop  
Required", of the Code of the City of Fort Wayne, Indiana of 1974, be and the same  
is hereby amended by adding to Schedule 5 the following:

STOP INTERSECTION

Thompson Ave.	-Stop-	for Swinney Ave.
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SECTION 4. That Schedule 7, Section 17-90 "Parking Prohibited at  
All Times on Certain Streets", of the Code of the City of Fort Wayne, Indiana of  
1974, be and the same is hereby amended by deleting from Schedule 7 the following:

NO PARKING

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Forest Ave.	south	Anthony Blvd.	Kensington Blvd.

SECTION 5. That Schedule 7, Section 17-90 "Parking Prohibited at All Times on Certain Streets", of the Code of the City of Fort Wayne, Indiana of 1974, be and the same is hereby amended by adding to Schedule 7 the following:

NO PARKING

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Sidney St.	east	Maumee Ave.	Jefferds Ave.
Wallace St.	south	Lafayette St.	200 ft. east thereof
Essex Lane	both	Camden Dr.	Coldwater Rd.
Dwenger Ave.	both	Glasgow Ave.	670 ft. east thereof
Beechwood Circle	west	Beechwood Dr.	180 ft. south thereof
Shadybrook Dr.	both	Schele Ave.	the north terminus

SECTION 6. That Schedule 10, Section 17-93 (2) "Parking Time Limited on Certain Streets", 1 Hour Parking 8 A.M. to 6:00 P.M., of the Code of the City of Fort Wayne, Indiana of 1974, be and the same is hereby amended by deleting from Schedule 10 the following:

ONE HOUR PARKING 8 A.M. TO 6:00 P.M.

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Wayne St.	south	Barr St.	Lafayette St.
Wayne St.	north	Barr St.	Lafayette St.

SECTION 7. That Schedule 11, Section 17-93 (b) "Parking Time Limited on Certain Streets", 90 Minute Parking 8 A.M. to 6 P.M., of the Code of the City of Fort Wayne, Indiana of 1974, be and the same is hereby amended by adding to Schedule 11 the following"

90 MINUTE PARKING - 8 A.M. TO 6 P.M.

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
---------------	-------------	-------------	-----------

Forest Ave.	both	Anthony Blvd.	Kensington Blvd.
Kensington Blvd.	both	Forest Ave.	E. State Blvd.

SECTION 8. That Schedule 12, Section 17-93 (c) "Parking Time Limited On Certain Streets", 2 Hour Parking 8 A.M. to 6 P.M., of the Code of the City of Fort Wayne, Indiana of 1974, be and the same is hereby amended by adding to Schedule 12 the following:

TWO HOUR PARKING 8.A.M. TO 6 P.M.

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Wayne St.	south	Barr St.	Lafayette St.
Wayne St.	north	Barr St.	Lafayette St.

SECTION 9. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols  
Councilman

Read the first time in full and on motion by Nuckols, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Regulations

Date: 2-13-79

Charles W. Westerman  
City Clerk

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BILL NO. G-79-02-18

GENERAL ORDINANCE NO. G-

AN ORDINANCE classifying, regulating and restricting the location, height, area, bulk and use of buildings and structures and the use of land within the territorial jurisdiction of the City Plan Commission of the City of Fort Wayne, Indiana, for said purposes dividing such territory into districts, and amending Chapter 33 of the Code of the City of Fort Wayne, Indiana, 1974.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 33 of the Code of the City of Fort Wayne, Indiana, of 1974, be and the same is hereby amended to be and read as follows:

#### ARTICLE I. PURPOSE

Section 1. The zoning regulations and zone districts as herein set forth are made in accordance with a comprehensive plan in order that adequate light, air, convenience of access, and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; and that the public health, safety, comfort, morals, convenience and general public welfare may be promoted. They are made with reasonable regard to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted and the conservation of property values throughout the territory under the jurisdiction of the City Plan Commission of the City of Fort Wayne, Indiana.

#### ARTICLE II. GENERAL PROVISIONS

Section 2. RULES OF CONSTRUCTION. In this chapter words used in the present tense include the future, the singular includes the plural and the plural the singular. Unless otherwise specified, all distances shall be measured horizontally, in any direction.

Section 3. DEFINITIONS. The following terms, unless a contrary meaning is required by the context or specifically otherwise prescribed, shall have the following meanings:

##### (1) Accessory Building and Use

- (a) A building or use subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises.
- (b) Public utility communication, electric, gas, water and sewer lines, their supports and incidental equipment.
- (c) Where a substantial part of the wall of an accessory building is part of the wall of the main building or where an accessory building is attached to the main building in a substantial manner as by a roof, such accessory building shall be counted as part of the main building.

(2) Accessory Living Quarters - Living quarters within an accessory building for the sole use of persons employed on the premises; such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

(3) Alley - A right-of-way other than a street, road, crosswalk or easement, designed for the special accommodation of the property it reaches.

(4) Block Face - The sides of two city blocks that face a common street.



(5) Block Group - A block group is a combination of contiguous blocks having a combined average population of about 1,000. Block groups are approximately equal in area (discounting parks, cemeteries, railroads, yards, industrial plants, rural areas, etc.); they are subdivisions of census tracts which simplify numbering and data control. Each block is identified by the first digit of the three-digit block number. Block group "1" will contain any block in range 101-199, block group "2" in range 201-299, etc.

(6) Board - The Board of Zoning Appeals of the City of Fort Wayne.

(7) Building - A structure having a roof supported by columns or walls designed, built or used for the enclosure, shelter or protection of persons, animals, chattels or property.

(8) Building, Detached - A building having no structural connection with another building.

(9) Building, Height of - The vertical distance measured from the adjoining street centerline grade at a point opposite the center of the principal frontage of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. Where the buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

(10) Building Line - The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.

(11) Building, Main - A building constituting the principal use of a lot.

(12) Building, Nonconforming - A legally existing building which fails to comply with the regulations set forth in this chapter applicable to the district in which such building is located.

(13) Building, Semi-Detached - A main building having one wall in common with an adjacent main building.

(14) Camp Ground - Any area or tract of land used or rented for occupancy by campers using tents for periods not to exceed two weeks.

(15) Cemetery - Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

(16) Certificate of Occupancy - A certificate issued by the Zoning Enforcement Officer stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this chapter.

(17) Clinic or Medical Health Center - An establishment where patients are admitted for special study and treatment by two or more licensed physicians and their professional associates, practicing medicine together.

(18) Commission - The Fort Wayne City Plan Commission.

(19) District or Zone - A section of the territorial jurisdictional area of the Fort Wayne City Plan Commission for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings, are established by this chapter.

(20) Dwelling - A building of portion thereof, used primarily as a place of abode for one or more human beings, but not including hotels, lodging or boarding houses or tourist homes.

(21) Dwelling, Multiple Family - A building or portion thereof used for occupancy by two, three or more families living independently of each other.

(22) Dwelling, One Family - A building used for occupancy by one family.

(23) Dwelling, Two-Family - A building used for occupancy by two families living independently of each other.

(24) Dwelling Unit - A dwelling or a portion of a dwelling or of an apartment hotel used by one family for cooking, living and sleeping purposes.

(25) Educational Institution - Public, parochial, charitable or non-profit junior college, college or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees.

(26) Extended Group Home - A facility located in a residential community providing shelter and/or rehabilitation for from seven (7) to fourteen (14) children under the age of eighteen (18) years, referred by a governmental body or duly licensed social service agency, who for various reasons cannot reside in their family home. Twenty-four hour adult supervision is mandatory and professional supervision and consultation is available to both child care staff and children. The purpose of this type of facility is to provide a service for the child who does not need the structure of an institution in that he/she does not present a threat to the community, yet is not a foster home candidate. The goal of the service is to return home, other placement or emancipation, depending upon the age of the child and the circumstances of his/her family.

(27) Family - One or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, nurses home, fraternity or sorority house. A family shall be deemed to include servants.

(28) Garage, Private - A detached accessory building or a portion of a main building, used for the storage of self-propelled vehicles where the capacity does not exceed three vehicles, or not more than one and one-half vehicles per family housed in the building to which such garage is accessory, whichever is the greater.

(29) Garage, Public - Any building or structure other than a private garage, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

(30) Half-Way House - A resident facility for sixteen (16) or less persons eighteen (18) years of age or older, referred by a governmental body or duly licensed social service agency, which provides short-term rehabilitative services in a transitional environment, to persons who are physically, emotionally or socially handicapped. The goal of the service is to aid the individual's successful re-entry into the community as an independent and a productive member.

(31) Home Occupation - Any use conducted entirely within a dwelling and participated in solely by members of the family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no commodity sold upon the premises except that which is produced thereon, and provided, however, in no event shall a barbershop, beauty parlor, tea room or animal hospital be construed as a home occupation.

(32) Hotel or Motel - A structure or portion thereof in which more than five guest rooms are used to provide or offer temporary accommodations for transient guests.

(33) Improvement Location Permit - A permit issued by the Zoning Enforcement Officer stating that the proposed erection, construction, enlargement or moving of the building or structure referred to therein complies with the provisions of this chapter.

(34) Junkyard - Including Automobile Wrecking - a lot or a part thereof used for the storage, keeping, dismantling, abandonment or sale of junk, scrap metal, scrap vehicles or scrap machinery or parts thereof.

(35) Kennel, Animal - Any place where more than three dogs or more than three any single type of domestic animals are kept. For this purpose such animals shall not be counted until they reach the age of six months.

(36) Limited Group Home - A facility located in a residential community providing shelter and/or rehabilitation for six (6) or less children under the age of eighteen (18) years, referred by a governmental body or duly licensed social service agency, who for various reasons cannot reside in their family home. Twenty-four hour adult supervision is mandatory and professional supervision and consultation is available to both child care staff and children. The purpose of this type of facility is to provide a service for the child who does not need the structure of an institution in that he/she does not present a threat to the community, yet is not a foster home candidate. The goal of the service is to return home, other placement or emancipation, depending upon the age of the child and the circumstances of his/her family.

(37) Lodging House - A building with more than two but not more than ten (10) guest rooms where lodging with or without meals is provided.

(38) Lot - A parcel, tract or area of land, it may be single parcel separately described in a deed or plat which is recorded in the Office of the County Recorder; it may be a part of a single parcel described in a deed or plat which is recorded in the office of the County Recorder, provided the part to be used is adequate in size to meet all yard requirements of the Zoning Ordinance; or it may include parts of a combination of such parcels when adjacent to one another and used as one. In determining lot area and boundary lines, no part thereof within the limits of the street or any private access serving more than on main building shall be included.

(39) Lot, Corner - A lot at the junction of and abutting two or more intersecting streets.

(40) Lot, Front - That part of a lot adjacent to and parallel with the street. The front of a corner lot shall be considered as that part of the lot having the least amount of footage adjacent to and parallel with either one of the streets. Whenever such footage is the same on both of such streets, either part of the corner lot may be considered as the front of the lot.

(41) Lot, Through - A lot having frontage on two parallel or approximately parallel streets.

(42) Lot Width - The dimension of a lot, measured between side lot lines on the building line.

(43) Mobile Home, Dependent - A mobile home which requires service connection for sewer, water and power facilities and which is so designed or constructed to permit occupancy for dwelling or sleeping purposes.

(44) Mobile Home, Independent - One which does not require service connections for sewer, water or power and is so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

(45) Mobile Home Park - Any tract of ground designed for use or used by one or more mobile homes which provides the necessary services such as water, sewer and power connections for the dependent-type mobile homes as defined in this ordinance.

(46) Parking Area, Public - An open area, other than a street or alley designed for use or used for the temporary parking of more than four motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers.

(47) Parking Space (Off-Street, One) - A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than 9 feet wide and 20 feet long exclusive of passageways.

(48) Person - A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

(49) Private School - Private preprimary, primary, grade, high or preparation school or academy.

(50) Sign - Any board, device or structure or part thereof used for advertising, display or publicity purposes. Signs placed or erected by governmental agencies for the purposes of showing street names or traffic directions or regulations for other governmental purposes shall not be included herein.

(51) Story - That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above it, then the space between any floor and the ceiling next above it; also any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the front of the building exceeds four (4) feet.

(52) Story, Half - A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

(53) Street - A public way established or dedicated by duly recorded plat, deed, grant, governmental authority or by operation of law.

(54) Structure - Anything constructed or erected which requires location in or on the ground or attachment to something having a location in or on the ground.

(55) Territorial Jurisdiction - The City of Fort Wayne, Indiana, and the contiguous unincorporated areas outside of the City of Fort Wayne shown on a map on file in the office of the County Recorder of Allen County, Indiana.

(56) Tourist Home - A building in which one but not more than five (5) guest rooms are used to provide or offer overnight accommodations for transient guests.

(57) Trade or Business School - Secretarial or Business School or College when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting or for teaching industrial or technical skills.

(58) Trailer Park - Any tract of ground designed for use or used by one or more trailers of the independent mobile home type defined in this ordinance and which is used for dwelling or sleeping purposes regardless of whether a charge is made for such accommodation.

(59) Use - The employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

(60) Use, Nonconforming - An existing use of land or building which fails to comply with the requirements set forth in this chapter applicable to the district in which such use is located.

(61) Use, Open - The use of a lot without a building or including a building incidental to the open use with a ground floor area equal to five (5) percent or less of the area of the lot.

(62) Yard - A space on the same lot with a main building, open, unoccupied and unobstructed by structures, except as otherwise provided in this chapter.

(63) Yard, Front - A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way line and the building line.

(64) Yard, Rear - A yard extending across the full width of the lot between the rear of the main building and the rear lot line the depth of which is the least distance between the rear lot line and the rear of such main building.

(65) Yard, Side - A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally, at 90 degrees with the side lot line, from the nearest point of the side lot line to the nearest part of the main building.

(66) Zoning Enforcement Officer - An official of the Plan Commission Staff of the City of Fort Wayne, Indiana who issues any and all required permits and enforces the provisions of this chapter and the planning and zoning laws of the State of Indiana within the planning jurisdiction of the Fort Wayne Plan Commission.

Section 4. STRUCTURE AND USES AFFECTED BY ZONING. No structure or land shall hereafter be used and no structure or part thereof shall be erected, moved or altered unless in conformity with the provisions of this chapter.

#### Section 5. CONTINUANCE OF NONCONFORMING STRUCTURES OR USES.

##### A. Nonconforming Structures.

(1) Maintenance Permitted - A nonconforming structure lawfully existing upon the effective date of this chapter may be maintained, except as otherwise provided in this section.

(2) Repairs - A non-conforming structure may be repaired or altered provided no structural change shall be made.

##### (3) Addition, Enlargements or moving

- (a) A structure nonconforming as to use or lot area per dwelling unit shall not be added to or enlarged in any manner unless such structure, including such addition or enlargement, is made to conform to the use and area requirements of the district in which it is located.
- (b) A structure nonconforming as to height or yard requirements shall be added to or enlarged in any manner unless such addition or enlargement conforms to all the requirements of the district in which it is located.
- (c) No nonconforming structure shall be moved in whole or in part to any other location on the lot on which it is located unless every portion of such structure is made to conform to all the requirements of the district in which it is located.

##### B. Nonconforming Uses.

(1) Continuation and Change of Use - Except as otherwise provided in this chapter:

- (a) A nonconforming use lawfully existing upon the effective date of this chapter may be continued.
- (b) A nonconforming use may be changed only to a use of the same or more restricted classification.

(2) Expansion Prohibited

- (a) A nonconforming use of a structure designed for a conforming use shall not be expanded or extended into any other portion of such conforming structure nor changed except to a conforming use.
- (b) A nonconforming use on a part of a lot shall not be expanded or extended into any other portion of such lot.

Section 6. AMORTIZATION OF NONCONFORMING USES OR BUILDINGS.

A. Whenever a nonconforming use has been discontinued for a period of twelve (12) months such use shall not thereafter be re-established and use thereafter shall conform to the provisions of this chapter.

B. No building damaged by fire or other causes to the extent that its restoration will cost more than double its assessed valuation shall be repaired or rebuilt except to conform to the provisions of this chapter.

C. An nonconforming open use of land lawfully existing upon the effective date of this chapter shall be discontinued on or before March 1, 1960.

D. Any nonconforming billboard or advertising structure not attached to a building, lawfully existing upon the effective date of this chapter shall be discontinued on or before March 1, 1965.

Section 7. NONCONFORMANCE DUE TO RE-CLASSIFICATION. The provisions of Sections 5 and 6 shall also apply to structures and uses which hereafter become nonconforming due to any zoning reclassification or inclusion pursuant to this chapter or any change in the provisions in this chapter and any open use of land referred to in subsection (c) of Section 6 which has existed as a nonconforming open use of land under Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance 2836 adopted January 11, 1955, shall be discontinued when said land has existed as a nonconforming open use for a period of five (5) years; or has been a nonconforming open use of land under this Act as amended plus any nonconforming open use under the zoning laws of Allen County, Indiana for periods of time totalling five (5) years.

Section 8. GENERAL USE PROVISIONS.

A. District Classification.

The terms R District, B District or M District shall be deemed to refer respectively to all district designated by the same letter; e.g., B District shall include the B1A, B1B, B2, B2A, B3A, B3B and B4 Districts.

B. Off-Street Parking.

(1) Minimum Requirements: The following off-street parking spaces shall be provided and maintained by the owner or person using property for each building which is hereafter erected or the use of which is hereafter change from a use described under any one of the numbered subparagraphs of the lettered subsections of Section 14 of this chapter, to a use described under a different numbered subparagraph of a lettered subsection of Section 14 of this chapter and which new use requires a greater number of parking spaces by the standards hereinafter in this subsection B prescribed:

- (G-97-70, 8/25/70)
- (a) For any dwelling unit - At least one and one half (1 1/2) parking spaces plus one parking space for each two (2) sleeping rooms rented to persons not members of the family occupying the dwelling unit.
  - (b) For any auditorium, gymnasium, stadium or theatre, or any other similar place of assembly, except churches - At least one parking space for each six (6) seats based on the maximum seating capacity, including fixed and movable seats.
  - (c) For any hotel in a B3A or B3B District, apartment hotel, club house, dormitory, fraternity house or any other similar use - At least one parking space for each two (2) sleeping rooms.
  - (d) For any hotel in a B4 District or any other similar use - At least one parking space for each sleeping room.
  - (e) For any place of assembly without fixed seats - At least one parking space for each 120 square feet of gross floor area thereof.
  - (f) For any bank, funeral home, office building, professional office, library, museum, welfare institution or any other similar use - At least one parking space for each 400 square feet of gross floor area thereof.
  - (g) For any medical clinic or any other similar use - At least three parking spaces for each doctor or dentist using the clinic, plus one space for each two regular employees including nurses.
  - (h) For any hospital, sanitarium, sanatorium, convalescent home or any other similar use - At least one parking space for each three beds or any portion thereof.
  - (i) For any eating or drinking establishment or any other similar use where customers are seated and served within a building - At least one parking space for each 200 square feet of gross floor area thereof.
  - (j) For any eating or drinking establishment or any other similar use where customers are served outside of a building - At least one parking space for each 50 square feet of gross area thereof, provided, however, that there shall be not less than six (6) parking spaces for each such establishment.
  - (k) For any furniture store, household appliance store or mechanical trades display store or any other similar use - At least one parking space for each 1,000 square feet of gross ground floor area thereof plus one space for each 1,500 square feet of the gross area of floors other than the ground floor used for sales, display or show purposes.
  - (l) For any food market establishment or any other similar use, with a gross floor area of less than 2,500 square feet - At least one parking space for each 200 square feet of gross floor area thereof.
  - (m) For any food market establishment or any other similar use, with a gross floor area in excess of 2,500 square feet - At least one parking space for each 75 square feet of gross floor area thereof.
  - (n) For any retail store or service, except those specified above - At least one parking space for each 400 square feet of gross floor area thereof.
  - (o) For any manufacturing, processing, wholesaling, storage, or any other industrial use or commercial establishment not specifically set out in this subsection - At least one parking space for each two employees, plus sufficient spaces to park all company-owned or leased motor vehicles, semi-trailers and trailers.



- (p) For any Laundrette, Laundromat, Self-Service Laundry, Washeteria or any similar use - At least one parking space for each two washing machine or portion thereof.
- (q) For any bowling alley - At least four parking spaces for each bowling alley thereof.
- (r) For any trailer coach park - At least one parking space on the same parcel of land for each individual house trailer.
- (s) For any commercial or business office having a gross floor area in excess of 10,000 square feet and occupied solely by the employees of one person, as defined in this chapter - At least one parking space for each 800 square feet of gross floor area thereof.

(2) Mixed Uses - In the case of mixed uses in the same building or structure, the total requirement for the off-street parking facilities shall be the sum of the requirements of the various uses computed separately on the basis of the items set out in this section and off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as hereinafter specified in Section 3B (3) hereof.

(3) Collective Parking Facilities - Nothing in this section shall be construed to prevent collective provision for any off-street parking facilities for two or more buildings or uses; provided, however, that the total number of off-street parking spaces shall not be less than the sum of the requirements for the various individual uses involved computed separately on the basis of the items set out in this section.

(4) Where Provided - All parking spaces provided pursuant to this section shall be on the same lot with the building or use for which such spaces are required, except that the Board, after public hearing, may permit the parking spaces to be on any lot within three hundred feet of the building; provided, that the requirements of subparagraphs (d) and (r) of paragraph (1) of this subsection shall not be waived; provided, however, that if the Board determines, after public hearing, that it is impractical to provide parking spaces on the same lot with the building or use for which such spaces are required, or within three hundred feet thereof, the Board may permit the parking spaces to be on a lot a greater than three hundred feet from such building or use, subject to appropriate conditions imposed by the Board regarding such location, character or other features of the proposed lot for parking spaces as are reasonably required for the purpose of this chapter; provided, further, that in the area bounded by the Pennsylvania Railroad right-of-way, Webster Street, Superior Street and Lafayette Street, if the Board determines, after public hearing, that any part of the area within three hundred feet of the building to be erected or use to be established is regularly occupied or used by existing structures or uses, or is otherwise unavailable, the Board shall waive all of the requirements of this subsection B as to all parking spaces not provided by reason of such occupancy, use or other unavailability.

(5) Distance Measurements - The distance to any parking space area as herein required shall be measured between the nearest point of the off-street parking facility and the nearest point of the building said parking facility is to serve.

(6) Access - All parking facilities provided pursuant to this section, except those required by subparagraphs (a), (g) and (o) of subsection (1) above, shall be directly accessible from a street.

#### C. Off-Street Loading and Unloading.

On the same premises with every building, structure or part thereof hereafter erected, established or enlarged and occupied for manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, laundry, dry cleaning or other uses, involving the receipt or distribution by vehicles of material or merchandise, there shall be provided and



maintained space for vehicles standing, loading, and unloading as follows:

A 12-foot by 35-foot loading space with 14-foot height clearance for every 20,000 square feet or fraction thereof of floor area in excess of 3,000 square feet of floor area used for abovementioned purposes, or for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of land used for the abovementioned purposes. Provided, however, that in no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirements of this chapter.

#### D. Parking Area Improvement.

(1) The Board of Public Works of the City of Fort Wayne is hereby authorized and required to prescribe minimum specifications for paving, surfacing, drainage of all land used for off-street parking, whether required by this chapter or otherwise, and all driveways thereto.

(2) All land which is hereafter placed in use for off-street parking and all driveways thereto, and all land which has been put to such use since on or after December 3, 1969, and which is hereafter to be used for off-street parking; shall be paved or surfaced and shall be drained with materials and in a manner which meets the minimum specifications and standards for parking lots adopted December 2, 1969, by the Board of Public Works of the City of Fort Wayne, and any current or future amendments thereto by said Board, provided, however, that nothing contained in this Paragraph D shall be deemed to require the paving of any off-street parking space or driveway thereto for any dwelling unit. Any proposed drainage plan must be approved by the Board of Public Works prior to the issuance of any Driveway Access Permit.

(3) All land which is located within the boundaries of St. Mary's River on the North, Clay Street on the East, Penn Central Railroad on the South, and Fairfield Avenue on the West, in the City of Fort Wayne, Indiana, which has been and/or hereafter is used for off-street parking, and all driveways thereto, must be paved or surfaced and drained as provided in the preceding paragraph.

(4) All land which is hereafter used and has been used continuously for off-street parking and for driveways thereto, on or prior to December 2, 1969, must be surfaced with compacted crushed stone of uniform size and texture of not less than three (3) inches depth and in a manner which prevents such material from eroding, washing or otherwise being deposited on public sidewalks and street right-of-ways. Any continuing violation of this paragraph for a period of ninety (90) days after notice of such violation has been mailed by the Board of Works to the Owner of the land as shown on the tax duplicates in the Office of the Assessor of Allen County, Indiana, shall constitute a nuisance in violation of this chapter, shall be unlawful, and such use shall be subject to all penalties provided in this chapter; provided however, that nothing contained in this paragraph shall be deemed to require the paving of any off-street parking space or driveway thereto for any dwelling unit.

(5) All land in or adjoining an R or B District which is hereafter placed in use for off-street parking, except for any dwelling unit, shall be landscaped to aid in controlling the circulation of cars and pedestrians, to identify entrances and exits, and to improve the appearance of such use to maintain property values in the area and the following specific landscaping requirements must be satisfied:

(a) All open, off-street parking areas shall provide and maintain shade trees of a variety hardy to this region and totaling not less than 1% of the surfaced parking area. The minimum size tree island shall not be less than 70 square feet.

(b) Screening, consisting of a hedge, wall, or uniformly painted fence to provide a visual separator and physical barrier with maximum height of four feet shall be provided between said off-street parking and all R and B areas. These lots adjacent to a residential district shall provide screening between such land and the R District not less than six (6) feet in height.

(c) The total landscaped (green) area for any parking lot shall not be less than 10% of the gross area developed. The owner shall be responsible for the perpetual maintenance of the green space.

(6) Set-Backs - All land used for off-street parking in districts for which front yards are required by this chapter shall be located not less than five (5) feet from any property line abutting on a street; provided, however, that nothing contained in this Paragraph D shall be deemed to apply to any off-street parking spaces or driveway thereto for any single family dwelling unit. All parking lots shall have curbing around perimeters at a sufficient location to keep vehicles from overhanging or encroaching upon abutting properties, streets, alleys or sidewalks. Curbing is also to be used to facilitate drainage and insure no discharge of water onto abutting properties.

(7) Lighting - Any light used to illuminate land used for off-street parking or driveways thereto shall be installed on private property and maintained so as to reflect the light away from any adjoining R District. It shall also be designed to avoid glare into street right-of-way.

(8) Permit - Any person constructing a parking lot pursuant to the provisions herein after the effective date of this ordinance shall obtain an improvement location permit. Said permit shall be issued after applicant has submitted evidence that his proposed off-street parking area improvement shall comply with provisions herein.

#### E. Permanency of Spaces Provided.

Any parking or loading space established prior to the effective date of this chapter and which is used or intended to be used in connection with any main building, structure or use, or any spaces designed and intended to comply with the requirements of this chapter for any such main buildings or structure erected after such effective date, shall hereafter be maintained so long as said building or structure remains, unless the owner provides and maintains in another location an equivalent number of required spaces which conform to the provisions of this chapter.

#### F. Front and Side Yards in All Residential Districts.

No required front yard, and no required side yard adjacent to a street, may be used to satisfy the off-street parking or loading requirements of this Section 8.

G. No trailer, mobile, mobile unit, or other temporary facility, shall be used for school, church or other non-residential use for a period longer than two (2) years for school use and one (1) year for church use unless the period is extended by variance duly granted by the Board of Zoning Appeals provided that in no event shall such temporary facilities be permitted where permanent use for the purpose is not permitted or authorized; provided further that such temporary facilities used in connection with a construction project may be used in any district where the use of the completed structure would be permitted as long as the construction is proceeding with reasonable diligence.

## ARTICLE III. DISTRICTS

Section 9. ESTABLISHMENT AND DESIGNATION. For the purpose of this chapter the City is hereby divided and classified into eighteen (18) districts designated as follows:

Designation, R1, One Family Residence District  
 Designation, R2, Two Family Residence District  
 Designation, R3, Multiple Family Residence District  
 Designation, RA, Residence District A  
 Designation, RB, Residence District B  
 Designation, B1A, Limited Business District  
 Designation, B1B, Limited Business District  
 Designation, B2, Regional Shopping Center District  
 Designation, B2A, Neighborhood Shopping Center District  
 Designation, B3A, General Business District A  
 Designation, B3B, General Business District B  
 Designation, B4, Roadside Business District  
 Designation, M1, Light Industrial District  
 Designation, M2, General Industrial District  
 Designation, M3, Heavy Industrial District  
 Designation, IA, Interchange Access Center District  
 Designation, MHP, Mobile Home Park  
 Historical District

The above districts and their respective boundaries are hereby established as shown by the symbols on the map entitled, "City of Port Wayne Zoning Map", dated September 16, 1969, which is on file in the Office of the Plan Commission, which map and all explanatory matter thereon by reference is incorporated herein and made a part hereof.

Lands which may hereafter be included or re-included in the territorial jurisdiction of the City Plan Commission shall automatically become classified in the following corresponding City zoning districts when such lands at the time of their inclusion in the jurisdiction of the City Plan Commission are classified under the zoning laws of the County, as indicated below, subject to amendment as provided in this chapter:

COUNTY DISTRICT DESIGNATION	CORRESPONDING CITY DISTRICT DESIGNATION
A1 Agricultural	RA Residence, District A
A2 Flood Plain	RB Residence, District B
A3 Estate	RA Residence, District A
RS1 Suburban Residential	R1 Single Family Residence Dist.
RS2 Multiple Family	R3 Multiple Family Residence Dist.
MH Mobile Homes	MHP Mobile Home Parks
CLA Professional Services	B1A Limited Business District A
C1 Limited Commercial	B1B Limited Business District B
C2 Planned Shopping	B2 Shopping Center District
C3 General Commercial	B3B General Business District B
C4 Roadside Commercial	B4 Roadside Business
C5 Commercial Interchange	IA Interchange Access Ctr. District
I-1 Light Industrial	M1 Light Industrial District
I-2 General Industrial	M2 General Industrial District
I-3 Heavy Industrial	M3 Heavy Industrial District
I-4 Planned Industrial	M2 General Industrial District
RSP Planned Residential	R1, R2, R3, RA, RB, B1A, B1B, B4, M1 - With previously approved Development Plans as provided for in N of Section 15.
C-6 Drive-In Facilities	B4 Roadside Business District
A-E Exclusive Agriculture	RA Residence, District A

Section 10. BOUNDARIES.

Unless otherwise indicated, the district boundary lines are land lines, the center lines of streets, alleys, or railroad rights-of-way or such lines extended.

Where the street layout actually on the ground varies from the layout as shown on the zoning map, such shall be interpreted according to the reasonable intent of this chapter.

ARTICLE IV. DISTRICT REGULATIONS

Section 11. CONFORMITY WITH CHAPTER REQUIRED. No building or structure shall hereafter be constructed and no building, structure or land shall hereafter be used except in conformity with the provisions of this chapter as permitted.

Section 12. CONTINGENT USES - ALL DISTRICTS. The contingent uses hereinafter set forth shall be permitted by the Board, after public hearing, in any district where such uses are essential or desirable to the public convenience or welfare, provided, however, no permit for a contingent use shall be granted if the Board shall find that such use is in conflict with any plan duly adopted by ordinance of the Common Council. In granting such permit the Board may impose appropriate conditions regarding the location, character and other features of the proposed building, structure or use as are reasonably required by the purposes of this chapter.

A. Such Permitted Contingent Uses are Identified as Follows:

- (1) Airport or Heliport
- (2) Cemetery
- (3) Governmental installation not otherwise permitted.
- (4) Hospital, Sanatorium, Sanatorium, Preventorium or Asylum not otherwise specified in this chapter.
- (5) Medical Health Center or Clinic
- (6) Public Utility facilities such as radio and television transmitter stations and towers; petroleum and natural gas transmission lines; pumping stations and facilities, electric substations and telephone exchanges where not otherwise permitted by this chapter; railroad lines; classification yards and terminals; and other similar uses of a public utility or public service nature; including structures and appurtenances for their enclosure, maintenance and operation.
- (7) Educational Institution
- (8) Private School
- (9) Golf Course
- (10) A not-for-profit neighborhood educational, recreational or cultural establishment or community association, including but not limited to: a branch YMCA, YMCA, CYO or Boy Scout building provided, however, that the dispensing of alcoholic beverages or any business activity on said premises shall not be permitted; and provided further that no permit shall be issued for such use unless the Board shall first find that it will constitute a neighborhood activity center of a nature compatible with the character

of the neighborhood in which it is to be located.

- (11) Public Parking Area, when used as an accessory use to a conforming use and within 300 feet of the main use or structure on the same, adjacent or detached lot, or when used as an accessory use to a nonconforming use lawfully existing on the effective date of this chapter and on the same lot or land contiguous thereto; subject to the regulations of Section 8; provided, however, that in no event shall the public parking area referred to in this subsection be construed as to include a structure as defined in paragraph 45 of Section 3 of this chapter. No permit under this subsection shall be required for parking areas permitted under Section 14.
- (12) Camp Grounds and Trailer Parks as defined in Section 3, in public parks, without action of the Board of Zoning Appeals, but subject to the standards and regulations of the Park Board or other public agency having jurisdiction over the public park.

#### Section 13. SPECIAL USES - SPECIFIED DISTRICTS.

- A. Special uses may be permitted by the Board after public hearing only in the specified districts indicated below. No permit for a special use shall be granted unless the Board shall have first found that the public convenience and welfare will be substantially served and that the proposed use will not be unduly detrimental to the surrounding area. In the exercise of its approval the Board may impose such conditions regarding the location, character and other features of the proposed building or structure or use as it may deem advisable in the furtherance of the purposes of this chapter.
- B. In RA, RB, B3A, B3B, M1, M2 and M3 Districts, the Board may permit:

- (1) Penal or correctional institution or sanitarium, hospital or asylum for contagious, mental, drug or liquor addict cases.
- (2) Fairground
- (3) Transient amusement enterprise medicine show or circus, the chief activity of which is carried on for gain or profit.
- (4) Gun Club, Skeet Shoot or Target Range, provided that satisfactory evidence is presented to the Board that adequate precautions will be taken to safeguard the public from dangers of firearms used therein.
- (5) Animal Breeding and Raising for experimental laboratory or fur production purposes, and Animal Kennels, as distinguished from general livestock raising.
- (6) Sanitary Land Fill
- (7) Refuse Dump
- (8) Golf driving range, putting green, or miniature golf course.
- (9) Gravel, Rock, Stone or Sand Extraction, Crushing, Washing and Sorting - subject to the following requirements:

be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga  
Councilman

Read the first time in full and on motion by Hinga, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Public Works

Date: 2-13-79

Charles W. Westerman  
City Clerk

BILL NO. S-79-02-11

#### SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving a contract for  
Water Contract #78-XP-1, between the City  
of Fort Wayne, Indiana and Engineering  
Sales Company, Inc. for construction of  
water mains

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That a certain contract, dated January 24, 1979 between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Engineering Sales Company, Inc., for:

construction of water main on Ardmore Avenue from a  
point 200 ± LF South of Engle Road Southward 220 ± LF;  
thence West 45 ± LF

under Board of Public Works Water Contract #78-XP-1, at a total cost of \$12,723.00, developer to pay \$8,830.00 and City Utilities to pay \$3,893.00, the difference for the oversized water main, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns  
Councilman

Read the first time in full and on motion by Burns, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on City Utilities

Date: 2-13-79

Charles W. Westerman  
City Clerk

BILL NO. S-79-02-12

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving a contract for  
Water Contract #7824, between the City  
of Fort Wayne, Indiana and Niemeyer  
Corporation for construction of a  
water main

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated January 24, 1979, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and Niemeyer Corporation for:

construction of a 16" water main on Hessen Cassel Road  
from the north right-of-way line of Linden Drive  
southward to south property line of Lot 61, Cassel  
Hills Addition,

under Board of Public Works Water Contract #7824, at a total cost of \$27,275.00, contractor to pay \$15,815.00 and the City to pay \$11,460.00, the difference for the installation of an oversized line, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval be the Mayor.

Paul M. Burns  
Councilman

Read the first time in full and on motion by Burns, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on City Utilities

Date: 2-13-79

Charles W. Westerman  
City Clerk

BILL NO. S-79-02-13

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving City Utilities  
Purchase Order No. 0835 with Underground  
Pipe and Valve, Inc. for equipment for the  
Water Maintenance & Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 0835, dated February 2, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Underground Pipe and Valve Inc., for:

2-24" Clow Butterfly Valve, M.J. W/Gaskets, Bolts and Glands and 2 -24" Duo Solid Sleeves, M.J. for C.D. Pipe W/Gaskets, Bolts and Glands, Pipe Range 25.80 to 26.32, for Water Maintenance & Service Department.

at a cost of \$6,286.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage



and approval by the Mayor .

Paul M. Burns  
Councilman

Read the first time in full and on motion by Burns, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on City Utilities

Date: 2-13-79

Charles W. Westerman  
City Clerk

BILL NO. S-79-02-14

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving a contract for  
Street Light Resolution No. 133-78,  
between the City of Fort Wayne, Indiana  
and Schmidt Electric, Inc., Contractor  
for the Project

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated January 24, 1979, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Schmidt Electric, Inc., Contractor, for:

installation of ornamental street lighting with underground wiring in the West Central Phase III Area,

under Board of Public Works Street Light Resolution No. 133-78, at a total cost of \$52,520.00, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns  
Councilman

Read the first time in full and on motion by Burns, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on City Utilities

Date: 2-13-79

Charles W. Westerman  
City Clerk

BILL NO. S-79-02-15

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving City Utilities  
Purchase Order No. 0822 with Korte  
Brothers, Inc. for Pump for Water  
Pollution Control Maintenance

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 0822, dated January 23, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Korte Brothers, Inc., for:

1 - Model 6TCCD-1 Barnes 6" trash pump with Deutz  
Diesel Engine, Trailer mounted for Water Pollution  
Control Maintenance Department,

at a cost of \$7,409.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns  
Councilman

Read the first time in full and on motion by Burns, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on City Utilities

Date: 2-13-79

Charles W. Westerman  
City Clerk

BILL NO. S-79-02-16

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving City Utilities  
Purchase Order No. 0824 with Allen County  
Motors for a Station Wagon for the Office  
Services Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 0824, dated  
January 31, 1979, between the City of Fort Wayne, by and through the City Utilities  
Purchasing Agent and the Board of Public Works and Allen County Motors, for:

1 - 1979 Mid Size Station Wagon (Ford Fairmount) for  
the Office Services Department,

at a cost of \$4,685.70, all as more particularly set forth in said Purchase Order,  
which is on file in the Office of the Department of Purchasing and is by reference  
incorporated herein and made a part hereof, be and the same is in all things  
ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage  
and approval by the Mayor.

Paul M. Burns  
Councilman

Read the first time in full and on motion by Burns, seconded  
by Talarico, and duly adopted, read the second time by title and referred  
to the Committee on City Utilities

Date: 2-13-79

Charles W. Westerman  
City Clerk

BILL NO. S-79-02-19

SPECIAL ORDINANCE NO. S-

AN ORDINANCE fixing the salaries and  
compensation of the elected City  
Officials of the City of Fort Wayne, Indiana

WHEREAS, Section 48-1233 et seq. Burns Indiana Statutes Annotated, Volume 9, Part 1, Replacement, provides that the Common Council of each city shall, on ordinance duly enacted on or before the first day of April of the year in which elections of city officers are held, fix the annual salaries of all elected city officials; and

WHEREAS, the year 1979 is a year in which elections of city officers are held.

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That from and after the first day of January, 1980, the elected officials of the City of Fort Wayne, Indiana, shall receive the following salaries per year in full for all governmental services, payable in bi-weekly installments:

Mayor	\$36,900.00
Each member of the Common Council of the City of Fort Wayne, Indiana	\$ 6,400.00
City Clerk of the City of Fort Wayne, Indiana	\$19,100.00

Each of the above positions will receive a 5 % cost of living increase effective January 1, 1981, 1982, and 1983.

SECTION 2. This Ordinance shall be published twice in a newspaper printed in the English language and generally circulated in the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect after its passage and approval by the Mayor.

Vivian G. Schmidt  
Councilwoman

Read the first time in full and on motion by V. Schmidt, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 2-13-79

Charles W. Westerman  
City Clerk

BILL NO. S-79-02-20

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving an installment  
purchase agreement with Xerox Corporation

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That the Xerox State and Local Government equipment  
Equity Plan (Installment Purchase Agreement) between the City of Fort Wayne,  
by and through its Mayor and the Board of Public Works, and Xerox Corporation  
for twelve (12) plain paper copy machines for the total time sale price of \$94,990.62,  
all as more particularly set forth in said agreement, and which is on file in the  
Office of the Department of the Controller, and is by reference incorporated herein,  
made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from  
and after its passage and approval by the Mayor.

Vivian G. Schmidt  
Councilwoman

Read the first time in full and on motion by V. Schmidt, seconded  
by Stier, and duly adopted, read the second time by title and referred  
to the Committee on Finance

Date: 2-13-79

Charles W. Westerman  
City Clerk

BILL NO. S-79-06-22

SPECIAL ORDINANCE NO. S-

AN ORDINANCE AUTHORIZING AN AMENDMENT  
TO THE LEASE AGREEMENT BETWEEN THE CITY  
OF FORT WAYNE, INDIANA AND HARRISON HOUSE  
REALTY, INC. AND AN AMENDMENT TO THE LEASE  
GUARANTY AGREEMENT BETWEEN THE CITY OF  
FORT WAYNE, INDIANA AND SUPER VALU STORES,  
INC. HERETOFORE EXECUTED IN CONNECTION  
WITH THE ISSUANCE AND SALE OF \$2,200,000.00  
ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES

1974 (SUPER VALU PROJECT) OF THE CITY OF  
FORT WAYNE, INDIANA PURSUANT TO SPECIAL  
ORDINANCE NO. S-39-74 OF THE COMMON COUNCIL  
OF THE CITY OF FORT WAYNE, INDIANA

WHEREAS, the City of Fort Wayne, Indiana (hereinafter called the "City") is a municipal corporation and political subdivision of the State of Indiana and by virtue of IC 1971, 18-6-4.5-1 through 18-6-4.5-28, inclusive, as amended (hereinafter called the "Act") is authorized and empowered to acquire economic development facilities and to lease said facilities as lessor to others to overcome insufficient employment opportunities and insufficient diversification of industry in and near the City and to issue its economic development revenue bonds to pay all costs of purchase or construction of such economic development facilities, and to secure said bonds by a trust indenture creating a security interest in such economic development facilities; and

WHEREAS, in 1974, the Fort Wayne Economic Development Commission (the "Commission") found by written resolution that the economic welfare of the City would be benefited by the acquisition and leasing to Harrison House Realty, Inc. ("Harrison House") of economic development facilities, such lease to be guaranteed by Super Valu Stores, Inc. ("Super Valu"), and, after giving notice in accordance with the Act, the Commission held a public hearing on the proposed financing and adopted a resolution finding that the proposed financing complied with the Act, approved the financing and approved the form and terms of the economic development revenue bonds proposed to be issued by the City to pay a portion of the cost of such facilities, the lease, guaranty and indenture, which resolution and other instruments and information pertaining to the proposed financing were transmitted to this Common Council; and

WHEREAS, this Common Council adopted Resolution No. R-18-74 finding that the proposed financing would be of benefit to the economic welfare of the City, approving the proposed financing and authorizing the issuance by the City, approving the proposed financing and authorizing the issuance by the City of \$2,200,000.00 principal amount of Economic Development Revenue Bonds, Series 1974 (Super Valu Project), having terms and provisions and secured as provided by a Mortgage and Indenture of Trust dated as of February 1, 1974 between the City and Fort Wayne National Bank (the "Trustee") and a Lease Agreement dated as of February 1, 1974 (the "Guaranty") between the City and Super Valu as Guarantor; and

WHEREAS, this Common Council by Special Ordinance No. S-39-74 authorized the issuance and sale of said Economic Development Revenue Bonds, authorized the execution by the City of a Mortgage and Indenture of Trust securing the Bonds, the Lease with Harrison House as Lessee and the Guaranty with Super Valu as Guarantor, all of which documents are now in full force and effect; and

WHEREAS, Harrison House, the Lessee under the Lease, has advised

the City that it proposes to assign to PYA/Monarch which is a wholly-owned subsidiary of Consolidated Foods Corporation, a Maryland corporation ("Consolidated"), all rights and obligations of Harrison House as Lessee under the Lease, and Super Valu has advised the City that it proposes to assign to Consolidated all rights and obligations of Super Valu under the Guaranty, such assignments being on the condition that the Lease and the Guaranty are first amended to provide that upon assignment Harrison House shall be relieved of all liability as Lessee under the Lease and Super Valu shall be relieved of all liability as Guarantor under the Guaranty; and

WHEREAS, Monarch and Consolidated have advised the City that Monarch proposes to accept the assignment from Harrison House and to assume all obligations of Harrison House as Lessee under the Lease and that Consolidated proposes to accept the assignment from Super Valu and to assume all obligations of Super Valu as Guarantor under the Guaranty; and

WHEREAS, in implementation of this proposal, Harrison House, Super Valu, Monarch and Consolidated have submitted to this Common Council a proposed form of First Amendment to Lease and First Amendment to Lease Guaranty Agreement, dated as of February 24, 1979 (the "Amendment"), a proposed form of Assignment of Lease Agreement and a proposed form of Assignment of Lease Guaranty Agreement:

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

SECTION 1. Public Benefits. The Common Council of the City hereby finds and determines that the public benefits heretofore found and determined to exist by this Common Council in Special Ordinance No. S-39-74 are in no way affected or diminished by the Amendment and that the Amendment should therefore be approved.

SECTION 2. Approval of First Amendment to Lease and First Amendment to Lease Guaranty Agreement. The Mayor is hereby authorized to attest, the First Amendment to Lease and First Amendment to Lease Guaranty Agreement, dated as of February 24, 1979 (the "Amendment"), and the Clerk is hereby directed to insert a copy of the Amendment, in the form submitted to this meeting and approved hereby, in the minutes of this Common Council and to certify thereon that the same is the form of such instrument submitted to this Common Council approved hereby, and identified herein as the Amendment, and to keep the same on file. The Amendment shall be executed in substantially the form submitted to this meeting with such changes as are approved by the officers executing it, their execution to constitute conclusive evidence of such approval. By the Amendment, Harrison House may assign all of its rights and obligations under the Lease to Monarch and thereby be relieved of all further liability under the Lease provided that Monarch assumes all obligations of the Lessee under the Lease, and by the Amendment, Super Valu may assign all of its rights and obligations under the Guaranty to Consolidated

and thereby be relieved of all further liability under the Guaranty provided that Consolidated assumes all obligations of the Guarantor under the Guaranty.

SECTION 3. Approval of Assignment of Lease Aggrement and Assignment of Lease Guaranty Agreement. The form of Assignment of Lease Agreement whereby Harrison House assigns to Monarch its entire interest in the Lease, as amended by the Amendment, and the Assignment of Lease Guaranty Agreement whereby Super Valu assigns to Consolidated its entire interest in the Guaranty, as amended by the Amendment, are hereby approved in the form submitted to this meeting, and the Clerk is hereby directed to insert a copy of the Assignment of Lease Agreement and a copy of the Assignment of Lease Guaranty Agreement in the form submitted to this meeting and approved hereby in the minutes of this Common Council and to certify thereon that the same is the form of such instrument submitted to this Common Council approved hereby and to keep the same on file.

SECTION 4. Prior Ordinance Otherwise Remains in Full Force and Effect. Except to the extent that the authorization of the Amendment shall be deemed an amendment to Special Ordinance No. S-39-74, that Ordinance remains in full force and effect.

SECTION 5. General. The Mayor and the Clerk be and they are each hereby authorized and directed, in the name of and on behalf of the City, to execute any and all instruments, perform any and all acts, approve any and all matters and do any and all things deemed by them, or either of them, to be necessary or desirable in order to carry out the purposes of this Ordinance. The Mayor and the Clerk, and each of them, are hereby authorized to execute and deliver the Amendment in substantially the form of said document, before this Common Council, on behalf of the City, with such changes therein as such officials with the advice of counsel may determine, as conclusively evidenced by his execution thereof, to be advisable and in the best interests of the City and in conformance with this Ordinance, provided, however, that before the Amendment is executed by the Mayor and the Clerk, the written consent of the Trustee shall be obtained as required by Section 12.9 of the Lease and by the Guaranty, and further provided that the City Attorney shall be satisfied that the City will be fully indemnified against any expense incurred in connection with the transaction herein contemplated.

Upon the approval of this Ordinance by the Mayor, the Clerk is authorized and directed forthwith to transmit to Fort Wayne National Bank, as Trustee, a copy of this Ordinance, which shall constitute the request of the City to the Trustee to consent to the Amendment.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect immediately upon its adoption by the Common Council and approval by the Mayor.

Vivian G. Schmidt  
Councilwoman



Read the first time in full and on motion by V. Schmidt, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 2-13-79

Charles W. Westerman  
City Clerk

BILL NO. S-79- 02-23

SPECIAL ORDINANCE NO. S-

AN ORDINANCE authorizing the issuance and sale of \$1,200,000.00 First Mortgage Revenue Bonds, Series 1979, Don Ayres Pontiac, Inc. and Paul A. Bradtmiller, Lessee of the City of Fort Wayne, Indiana, for the purpose of defraying the cost of acquiring economic development facilities for lease to Don Ayres Pontiac, Inc. and Paul A. Bradtmiller, authorizing the execution of the Lease Agreement, providing for the pledge of revenues for the payment of said bonds, authorizing a mortgage and indenture of trust appropriate for the protection and disposition of such revenues; and authorizing the sale of said bonds.

WHEREAS, the Fort Wayne Economic Development Commission has developed and filed with the City Plan Commission a "Report of Fort Wayne Economic Development Commission Regarding Facilities to be constructed for Don Ayres Pontiac, Inc. and Paul A. Bradtmiller" and the City Clerk has presented the same to the Common Council; and

WHEREAS, it is in the best interest of the City of Fort Wayne and the economic development thereof, that said Report be approved and that the acquisition and construction of the economic development facilities mentioned in said report be implemented; and

WHEREAS, the Fort Wayne Economic Development Commission adopted a resolution approving the financing of said economic development facilities as described in said Report to be financed by the issuance and sale of revenue bonds to the City of Fort Wayne and the lease of said facilities to Don Ayres Pontiac, Inc. and Paul A. Bradtmiller, Lessee, and approving a Lease Agreement, Mortgage and Indenture of Trust, and finding that the proposed financing complies with the purposes and provisions of IC 1971, 18-64.5-1 - 18-6-4.5-29; and

WHEREAS, said Resolution was presented to the City Clerk for presentation to the Common Council of the City of Fort Wayne and was so presented.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The above mentioned Report of the Fort Wayne Economic Development Commission together with the comments thereon by the City Plan Commission be accepted and ordered filed.

SECTION 2. That the Common Council of the City of Fort Wayne gives its approval of the project reported on in the above mentioned Report of the Fort Wayne Economic Development Commission.

SECTION 3. The financing of the acquisition and construction of the economic development facilities by the issuance and sale of First Mortgage bonds of the City of Fort Wayne and the lease of said facilities to Don Ayres Pontiac, Inc. and Paul A. Bradtmiller as previously approved by the Fort Wayne Economic Development Commission and presented to the Common Council will be of benefit to the health and welfare of the City of Fort Wayne.

SECTION 4. The form of the Lease Agreement and the Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and such documents collectively shall be considered the "Financing Agreements" referred to in IC 1971, 18-6-4.5-1 - 18-6-4.5-29. Such documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the City Clerk.

SECTION 5. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds (Don Ayres Pontiac, Inc. and Paul A. Bradtmiller, Lessee) in the total principal amount of One Million Two Hundred Thousand Dollars (\$1,200,000.00) for the purpose of providing funds to acquire and construct the project and lease the same to Don Ayres Pontiac, Inc. and Paul A. Bradtmiller, Lessee, (all as more particularly set out in the Lease Agreement and Mortgage and Indenture of Trust) which bonds will be payable as to principal, premium, if any, and interest primarily from payments by Don Ayres Pontiac, Inc. and Paul A. Bradtmiller pursuant to the provisions of the financing agreement and other sources as provided in the Lease Agreement or as otherwise provided in the above described Indenture of Trust. The Bond and the interest thereon shall never constitute a charge against the general credit or taxing power of the City.

SECTION 6. The City Clerk is authorized and directed to negotiate the sale of such bonds at a rate of interest not to exceed 9% per annum and at a price of 100% of the principal amount of such bonds. In such negotiations the

City Clerk may consult with the Mayor, City Attorney, and officers or representatives of the company to assist in the sale of such bonds.

SECTION 7. The Mayor and City Clerk are authorized and directed to execute the documents approved herein on behalf of the City of Fort Wayne and any other documents which may be necessary or desirable to complete the transaction including the bond authorized herein. The signatures of the Mayor and City Clerk on the bond and coupons may be facsimile signatures. The City Clerk of the City of Fort Wayne is authorized to deliver such bonds to the Trustee named on the Mortgage and Indenture of Trust for delivery to the purchasers therefor, payment for which shall be made to the Trustees named in the Mortgage and Indenture of Trust.

SECTION 8. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing such bonds shall constitute a contract binding between the City of Fort Wayne Economic Development First Mortgage Revenue Bonds, Series 1979 Don Ayres Pontiac, Inc. and Paul A. Bradtmiller, Lessee, and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remain unpaid.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt  
Councilwoman

Read the first time in full and on motion by V. Schmidt, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 2-13-79

Charles W. Westerman  
City Clerk

BILL NO. Z-79-02-04

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. L-14 and M-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated

a B-1-A District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. L-14 and M-14, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Legal Description of St. Vincent's Villa Property,  
Part of the South Half of Section 35, Township  
31 North, Range 12 East, Allen County, Indiana  
described as follows:

Beginning at an iron pin set at the intersection of the South Line of Jacobs Street and the East Line of Wells Street; thence North 89 degrees, 59 minutes, 50 seconds East along the South Line of Jacobs Street, 491.63 feet to a pin set; thence South 00 degrees, 00 minutes, 10 seconds East, 136.3 feet to a pin set; thence South 89 degrees, 59 minutes, 50 seconds East, 125.83 feet to a pin set; thence North 00 degrees, 00 minutes, 10 seconds West, 136.3 feet to a pin set; thence North 89 degrees, 59 minutes, 50 seconds East along the South Line of Jacobs Street, 458.62 feet to an iron pin set on the West Line of the 100-foot right-of-way of the Fort Wayne & Jackson Railroad Company; thence South 33 degrees, 27 minutes, 29 seconds East along the westerly line of said 100-foot right-of-way of the Fort Wayne & Jackson Railroad Company, 667.37 feet to a point marking the common property line between Superior Metals/Penn Central Railroad and the St. Vincent's Villa; thence South 18 degrees, 52 minutes, 42 seconds West along the said common property line, 335.08 feet to a point; thence South 89 degrees, 55 minutes, 08 seconds West continuing along said common property line, 631.03 feet to a pipe found; thence South 89 degrees, 55 minutes, 08 seconds West along the North Line of Putnam Avenue, 618.84 feet to a pin set; thence North 45 degrees, 00 minutes, 50 seconds West, 18.36 feet to a pin marking the East Line of Wells Street; thence North 00 degrees, 03 minutes, 12 seconds East along the East Line of Wells Street, 299.06 feet to a pin set; thence North 07 degrees, 23 minutes, 05 seconds West continuing along the East Line of Wells Street, 568.10 feet to the Point of Beginning. Containing therein 24.85 acres, more or less, and subject to all legal easements and right-of-ways.

.4-ACRE EXCEPTION

Legal description of 0.4-acre tract, being an exception of St. Vincent's Villa Property, part of the South Half of Section 35, Township 31 North, Range 12 East, Allen County, Indiana, described as follows:

Commencing at an iron pin at the intersection of the South Line of Jacobs Street and the East Line of Wells Street; thence North 89 degrees, 59 minutes, 50 seconds East along the South Line of Jacobs Street, 491.63 feet to a pin set, marking the Point Of Beginning; thence continuing North 89 degrees, 59 minutes, 50 seconds East along the South Line of Jacobs Street, 125.83 feet to a pin set; thence South 00 degrees, 00 minutes, 10 seconds East, 136.3 feet to a pin set; thence South 89 degrees, 59 minutes, 50 seconds West, 125.83 feet to a pin set; thence North 00 degrees, 00 minutes, 10 seconds West, 136.3 feet to the Point Of Beginning; containing therein 0.4 acres, more or less, and subject to all legal easement and right-of-ways. Said tract has located on it two residences and a garage.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols  
Councilman

Read the first time in full and on motion by Nuckols, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Regulations and the City Plan Commission for recommendation

Date: 2-13-79

Charles W. Westerman  
City Clerk

BILL NO. Z-79-02-05

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. S-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-3 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. S-14, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Lot Number 3 in Clarmarnic Manor as recorded  
in the plat thereof in the office of the  
Recorder of Allen County, Indiana, more common-  
ly known as 4306 East State Boulevard, Fort Wayne,  
Indiana.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols  
Councilman

Read the first time in full and on motion by Nuckols, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Regulations and to the City Plan Commission for recommendation

Date: 2-13-79

Charles W. Westerman  
City Clerk

BILL NO. Z-79-02-06

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. R-11

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a M-2 District - General Industrial under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. R-11, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Rolling Green Addition, Lots #180 thru 184: and,

Part of the Southwest Quarter of Section Seventeen (17), Township Thirty (30) North, Range Thirteen (13) East, in Allen County, Indiana, in particular described as follows:

Commencing at the northwest corner of said quarter section as defined by the intersection of the center line of the public roads, respectively known as the Hessen Cassel Road and the Moeller Road; thence east on the north line of said quarter section, as defined by the center line of said Moeller Road, a distance of Two Hundred and one-tenth (200.1') feet to a point situated Ninety-five (95') feet west of the northwest corner of the plat as recorded of Rolling Green Addition, in Plat Book 13, page 101 in the Office of the Recorder of said county; thence southward on a line parallel to the west line of said addition, by a deflection right of 89 degrees 22 minutes, a distance of Two Hundred Three and eight-tenths (203.8') feet; thence westward by a deflection right of 91 degrees 13 minutes, a distance of Two Hundred and six-tenths (200.6') feet to the west line of said quarter section, as defined by the center line of the said Hessen Cassel Road; thence north by a deflection right of 88 degrees 56 minutes, a distance of Two Hundred Two and one-tenth (202.1') feet to the place of beginning; containing 0.9335 acres of land;

SUBJECT to public road upon and over the north Forty (40') feet thereof and upon and over the west Forty (40') feet thereof, occupied by the Moeller Road, or (Oxford Street) and the Hessen Cassel Road, respectively.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols  
Councilman

Read the first time in full and on motion by Nuckols, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Regulations and the City Plan Commission for recommendation

Date: 2-13-79

Charles W. Westerman  
City Clerk

BILL NO. Z-79-02-07

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. J-7

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R3 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. J-7, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Lot #15 in Sunny Side Gardens Addition - In  
the NW 1/4 Sec. 15 T-30-N-R12E in Wayne Twp.  
of Fort Wayne, Indiana (2230 Nuttman Ave.)

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols  
Councilman

Read the first time in full and on motion by Nuckols, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Regulations and to the City Plan Commission for recommendation

Date: 2-13-79

Charles W. Westerman  
City Clerk



BILL NO. Z-79-02-08

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. L-10

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated  
a M-1 District - Light Industrial under the terms of chapter 22, Municipal Code  
of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort  
Wayne Zoning Map No. L-10, referred to therein, established by Section 33-11,  
of said Chapter are hereby changed accordingly, to wit:

Lots 38, 40, 42 and 44 of the Northside Addition  
in Fort Wayne, Indiana

SECTION 2. That this Ordinance shall be in full force and effect from  
and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols  
Councilman

Read the first time in full and on motion by Nuckols, seconded  
by V. Schmidt, and duly adopted, read the second time by title and referred  
to the Committee on Regulations and the City Plan Commission for recommendation

Date: 2-13-79

Charles W. Westerman  
City Clerk

(3) Cross reference to recorded Planned Unit Development schematic plan.

(iii) Final subdivision plans may be submitted for the whole Planned Unit Development at one time, or such plans may be submitted for a part or parts of the Planned Unit Development from time to time.

(b) Documents.

(i) At the time the preliminary subdivision application is filed with the Plan Commission, the developer also shall file:

(A) Project cost estimates for all public improvements in the subdivision plan;

(B) Other statements required by the subdivision ordinance.

(18) Final Approval. Within six (6) months following the approval of the preliminary subdivision plan, the applicant shall file with the Plan Commission a final subdivision plan containing in final form all the information required. Upon written request by the applicant, the Plan Commission, upon showing of good cause by the developer, may extend for six (6) months the period for filing the final subdivision plan. Within sixty (60) days after the complete final subdivision application is filed, with all necessary documents and exhibits, the Plan Commission must approve, approve and modify, or disapprove it.

(19) Recording. Upon approval of the final subdivision application the Plan Commission shall notify the applicant and thereafter the maps and other related documents shall be recorded in the office of the Allen County Recorder. If the Plan Commission approves the final subdivision application with modifications, the applicant shall cause such modifications to be made and then proceed as above.

(20) Failure to begin Planned Unit Development.

(a) If no construction has begun in the Planned Unit Development within one (1) year from the approval of the Planned Unit Development and recording of documents, said approval shall lapse and be of no further effect. The Plan Commission, upon showing a good cause by the developer, may extend for periods of one (1) year, the time for beginning construction.

Nothing herein shall be considered as affecting such lapse and revocation if the developer commences construction. If construction commences, the final Planned Unit Development approval may be modified only in accordance with subsection 21 hereafter.

(b) If the construction of the improvements in any subdivision within a Planned Unit Development has not begun within six (6) months from the date the approved subdivision plan was recorded, said subdivision approval shall lapse and be of no further effect. The Plan Commission, for good cause, may extend for periods of six (6) months the time for beginning construction. Except as provided in subsection A, above, the lapsing of subdivision approval shall not result in the lapsing of a Planned Unit Development approval. Notification by registered mail of such lapse shall be forwarded to the developer.

Improvements are defined as streets, water, sewer and storm drainage.

- (21) Revisions of approval final Planned Unit Development. The development shall conform to the approved Planned Unit Development plan and the approved final subdivision plan. The applicant, his successors and assigns shall make no alterations, additions or deletions to the Planned Unit Development plan, the related documents, or to the site, except as provided herein. Upon final approval, changes may be made only pursuant to a new submission of a Planned Unit Development application which shall be processed and approved in accordance with this section. The Plan Commission may authorize minor changes, provided that the overall density is not increased, without a new Planned Unit Development application.
- (22) Phasing. The establishment of common open spaces and construction of public or common recreational facilities shown on the recorded planned unit development plan together with the construction of other non-residential structures shall proceed substantially in accordance with the phasing program referred to in Section 15:6.
- After general construction commences, the Director of Planning shall review, at least once every six (6) months, all building permits issued and compare them to the overall development phasing program. If he determines that the rate of construction of residential units or non-residential structures substantially differs from the phasing program, he shall so notify the developer and the Zoning Enforcement Officer, in writing; thereafter the Zoning Enforcement Officer may issue such orders to the developer as he sees fit, and upon continued violation of this subsection may suspend the developer from further construction of dwelling units or non-residential structure until compliance is achieved.
- (23) Violation. Whenever the Plan Commission shall find, in the case of any approved Planned Unit Development, that any of the terms, conditions, or restriction upon which such approval was granted are not being complied with, the Plan Commission may rescind and revoke such approval. Notice thereof shall be given in accordance with subsection 20.

Violation of a Planned Unit Development, as approved, shall constitute a violation of the Zoning Ordinance.

#### Section 16. HEIGHT REQUIREMENTS - ALL DISTRICTS.

- A. Except as hereinafter provided, no building or structure shall be erected, altered, enlarged or reconstructed to exceed the height limit established for the district where such building or structure is located, as follows:

<u>District</u>	<u>Maximum Height</u>
R-1, R-2	25 feet
R-A, R-B	35 feet
R-3, B-3-B, B-4	50 feet
B-1-A, B-1-B, B-2, B-2-A, IA	35 feet
B-3-A	400 feet
M-1, M-2, M-3	75 feet

#### B. Exception to Height Limitations:

- (1) In "R1" and "R2" Districts, limiting height not to exceed 25 feet, any permitted structure may be increased in height not to exceed 35 feet, provided the required side yards are increased an additional foot for each 3 feet such structure exceeds 25 feet.

- (2) In "RA" and "RB" Districts, limiting height not to exceed 35 feet, any permitted structure may be increased in height not to exceed 45 feet provided the required side yards are increased an additional foot for each 1 foot such structure exceeds 35 feet.
- (3) On through lots 150 feet or less in depth, the height of a building may be measured from the adjoining curb level on either street.
- (4) On through lots more than 150 feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to depth of not more than 150 feet from that street.

	1 Story Detached	One Story Townhouse (or Apt.)	2 Story Detached	2 Story Townhouse	2 Story Apartment	3 Story Apartment	6 Story Apartment
R1	3.5	-----	3.5	-----	-----	-----	-----
R2	3.5	4.4	3.5	4.4	4.4	-----	-----
R3	3.5	5.4	3.5	5.4	5.4	5.4	6.0
RA RB	3.8	4.8	3.8	4.8	4.8	4.8	-----

Note: The land use intensity rating between 3 and 6 stories will be prorated over 6 stories determined by Commission.

B1A, B1B, B3B, B4 and M1 Districts are permitted the same land use intensity as an R3 District.

Land Use Intensity Rating & Ratios Permitted  
(Based On Gross Acreage of Tract)

Land Use Intensity Rating	FAR	OSR	FSR	LSR	TCR	OCR
3.3	0.12	6.4	0.22	4.8	2.0	1.8
3.5	0.14	5.45	0.20	4.0	2.0	1.65
3.8	0.18	4.4	0.19	3.0	1.8	1.6
4.0	0.2	3.8	0.18	2.6	1.7	1.5
4.4	0.26	2.8	0.16	1.8	1.4	1.3
4.8	0.34	2.1	0.12	1.3	1.4	1.2
5.4	0.53	1.4	0.12	0.78	1.2	0.96
6.0	0.8	0.88	0.095	0.5	0.96	0.8

#### LAND USE INTENSITY RATING

FAR Floor Area Ratio .. is maximum square footage of total floor area permitted for each square foot of land area.

OSR Open Space Ratio .. is minimum square footage of open space required for each square foot of floor area.

LSR Living Space Ratio .. is minimum square footage of nonvehicular outdoor space required for each sq. ft. of floor area.

1 RSR Recreation Space Ratio .. is minimum sq. footage of recreation space  
2 for each square foot of floor area.

3 OCR Occupant Car Ratio .. is minimum number of parking time limits required  
4 for each living unit.

5 TCR Total Car Ratio .. is minimum number of parking spaces required for each  
6 living unit.

7 (5) Penthouses or roof structures for the housing of elevators,  
8 stairways, tanks, ventilating fans or similar equipment re-  
9 quired to operate and maintain the building, fire or parapet  
10 walls, skylights, television aerials, electrical transmission  
11 and communication poles and towers, theatre screens, stoeples,  
12 roof signs, flagpoles, chimneys, smokestacks, wireless masts,  
13 water tanks, grain elevators, silos, gas containers, indus-  
14 trial installation requiring a vertical production procedure,  
15 such as flour mills, steel mills and refineries, or similar  
16 structures may be erected above the height limits herein  
17 prescribed, but no such structures or any place above the  
18 height limit be allowed for the purpose of providing addition-  
19 al floor space for residential, business or industrial use.

20 (6) In an "R3" Zone located somewhere within the west one-half of  
21 Section 1, Section 2, North one-half of Section 11, or the  
22 Northwest one-quarter of Section 12, all in Township 30 North,  
23 Range 12 East, Fort Wayne, Allen County, Indiana, a greater  
24 height than 50 feet may be permitted up to a maximum allowable  
25 height not to exceed twelve stories or 125 feet, whichever is  
26 less.

#### 27 Section 17. RESIDENTIAL LOT AREA REQUIREMENTS.

28 A. Except as hereinafter provided, no residential building or structure  
29 shall be erected unless such building or structure conforms and no  
30 building or structure shall be altered, enlarged or reconstructed  
31 unless such alteration, enlargement or reconstruction conforms with  
32 the area requirements of the district in which it is located as  
33 follows:

<u>District</u>	<u>Min. Width at Building Line</u>	<u>Min. Lot Area (Square Feet)</u>	<u>Required Lot Area Per Dwelling Unit; No. of Units and Sq. Ft. Per Unit</u>
R1	50 feet	6000	1 6000
R2	50 feet	6000	1 6030 2 3030
R3, B1, B3A, B3B, B4, M1, M2	50 feet	6000	1 6000 2 3000 3 or more 1500
RA	75 feet	10000	1 10000 2 7030 3 or more see Section 14(D), 10
RB	60 feet	7200	1 7200 2 5000 3 or more see Section 14(D), 10

3. Exceptions to Area and Width Requirements:

- (1) Recorded Lots Less than Minimum Area - Lots established by legally recorded plat or deed at the time of the enactment of this chapter which have less than the minimum area requirement established by this section, may nevertheless be used for any use permitted within the district in which such lot is located.
- (2) Through Lot (May be Two Lots) - Where a through lot has a depth of 200 feet or more, and has an area of 10,000 square feet or more, said lot may be treated as two lots with the rear lines of each approximately equidistant from the front lot lines.
- (3) "RA" Districts, City Water and City Sanitary Sewer Facilities - Where in an "RA" District, city water and city sanitary sewer facilities are installed, the minimum width at the building line, the minimum lot area and the required lot area per dwelling unit for lots served by such facilities shall be the same as that prescribed for an "RB" District.
- (4) Where in an "RA" District, City water and a public or quasi-public aerobic-type treatment system designed to serve a minimum of fifty (50) families are installed, the minimum width at the building line, the minimum lot area and the required lot area per dwelling unit for lots served by such facilities shall be the same as that prescribed for an "RB" District.
- (5) "R3" District - In an "R3" District the Zoning Enforcement Officer may issue an improvement location permit and a certificate of occupancy for a multi-family dwelling having minimum lot areas of one thousand (1,000) square feet per dwelling unit providing the following conditions are satisfied:
  - (a) The number of bedrooms per living unit does not exceed two bedrooms in any of the living units where the minimum lot area is less than 1,500 square feet per unit.
  - (b) The side yard which adjoins an apartment building shall be increased an additional three feet for each additional story above two stories in height.
  - (c) The side and rear yards which adjoin a single or double family residential building are increased three feet for each additional living unit exceeding a density of 1,500 square feet per unit in addition to the normal yard requirements set out in Section 17, Chapter 36 of the Municipal Code. However, the combined total required side or rear yard as established by all sections of the Zoning Ordinance need not exceed 150 feet.
  - (d) The Zoning Enforcement Officer shall issue an improvement location permit when the developer has satisfactorily proven to the Zoning Enforcement Officer that the following conditions exist:
    - (i) The increased density that will result by the installation of this use will not impose any hardship on the existing schools serving the area in which the development will take place.
    - (ii) All existing sewers, water lines, streets and sidewalks serving the area proposed for development are adequate to handle the increased density that will occur as a result of the establishment of the use involved.

- (iii) The increased density as proposed by the improvement location permit will not impose any hardship on the following elements of the Development Plan of the City of Fort Wayne:
- (A) Land Use Plan
  - (B) Thoroughfare Plan
  - (C) Sewer Plan
  - (D) Water Plan
  - (E) School Plan
  - (F) Park and Playground Plan
- (e) If the Zoning Enforcement Officer does not issue an improvement location permit within fifteen (15) days after written demand to do so by a developer or applicant, an appeal will lie to the Board of Zoning Appeals.
- (f) The parcel of land upon which the use is erected shall have direct public access to a street as defined in the Zoning Ordinance for purposes of vehicular traffic, off-street parking, utilities, and other services such as mail delivery, garbage collection, fire and emergency units, etc.
- (g) The arrangement of buildings shall be such that in the event the land is subdivided there shall be sufficient space between buildings, between buildings and the street, and between buildings and property lines to allow for the minimum platting requirements of the Subdivision Control Ordinance and the Zoning Ordinance of the City of Fort Wayne.
- (h) The minimum area of the site to be developed, exclusive of all public streets, alleys, or other public ways, shall not be less than 45,000 square feet with a minimum lot frontage of 150 feet.
- (i) The nearest 15 feet to any side or rear property line adjoining a single family residence building shall be landscaped and in no event shall parking be permitted nearer than 15 feet to the side or rear property line adjoining said single family residence building.
- (j) All parking spaces on existing or proposed street right-of-way shall be for parallel parking only.
- (k) In no event shall the Zoning Enforcement Officer issue an improvement location permit or a certificate of occupancy for a use where the density exceeds one thousand (1,000) square feet per living unit for structures of three (3) to five (5) stories and one thousand two hundred and fifty (1,250) square feet for structures two (2) stories or less except by action of the Board of Zoning Appeals.
- (l) All improvements of which the maintenance would become the responsibility of the City of Fort Wayne in the event of subdivision shall meet the requirements of the Subdivision Control Ordinance appearing as Chapter 28A of this Code, and the specifications of the Fort Wayne Board of Public Works.
- (6) In an "R3" Zone located somewhere within the west one-half of Section 1, Section 2, North one-half of Section 11, or the Northwest one-quarter of Section 12, all in Township 30 North, Range 12 East, Fort Wayne, Allen County, Indiana, the minimum lot area per dwelling unit may be less than the 1,000 square feet per unit as required by paragraph (5),

Subsection B, Section 16, Article III, Chapter 36 of this Municipal Code, providing the minimum lot area per dwelling unit is not less than 700 square feet per unit in the case of six through nine stories in height or 600 square feet per dwelling unit in the case of ten through twelve stories in height, subject to the following conditions:

- (a) The parcel of land upon which the use is erected shall have direct public access to a street as defined in the Zoning Ordinance for vehicular traffic, off-street parking, utilities, and other services such as mail delivery, garbage collection, fire and emergency units, etc.
- (b) The number of bedrooms per living unit does not exceed two bedrooms in any of the dwelling units where the minimum lot area is less than 700 square feet per unit.

C. Only One Main Building On a Lot - Every building hereafter erected shall be located on a lot as herein defined. In no case shall there be more than one residential building and its accessory buildings on one lot.

#### Section 18. YARD REQUIREMENTS - ALL DISTRICTS.

A. Except as hereinafter provided, no building or structure shall be erected unless such building or structure conforms, and no building or structure shall be altered, enlarged or reconstructed unless such alteration, enlargement, or reconstruction conforms with the yard regulations of the district in which it is located, as follows:

- (1) Front Yard Requirements - There shall be a front yard which shall have a minimum depth as follows:

<u>District</u>	<u>Depth in Feet</u>
R1, R2, R3	25
RA, RB - Equal to one-half of the width of the street right-of-way on which the lot fronts. The right-of-way width shall be either that of an existing street or a proposed street identified in the City of Fort Wayne Thoroughfare Plan, whichever is greater, provided that the required depth of these front yards shall not be less than 30 feet and need not be more than 60 feet.	
B1A, B1B - Other Than Residential Use	15
B3A, B3B	None
M1, M2 - Other Than Residential Use	None
B2, B2A, B4, M3 - Other Than Residential Use	75
B1A, B1B, B4, M1, M2 - For Residential Use	25

- (2) Front Yards On A Through Lot - At each end of a through lot there shall be a front yard of the depth required by this section for the district in which each street frontage is located, and one of such front yards may serve as a required rear yard.

- (3) Front Yard, Between Buildings - Where a lot is situated between two lots, each of which has an existing main building thereon, the front yard requirements of such lot shall be the average of the front yards of said existing buildings.



- (4) Front Yard, Adjoining Building - Where a lot abuts only one lot having an existing main building thereon, the front yard requirement of such lot shall be the average of the front yard of the existing building and the required front yard.
- (5) Side Yard Requirements - There shall be two side yards for each lot, the minimum width of each of which and the aggregate width of both of which shall be as follows:

<u>District</u>	<u>Width of Each Yard</u>	<u>Aggregate Width of Both Yards</u>
R1, R2, R3 and B1A, B1B, B3B, B4, M1, M2 when used for residential purposes on first floor.	5 feet	25% of Lot Width or 20 feet whichever is less.
RA, RB - One Dwelling Unit	10% of Lot Width	25% of Lot Width
More than one dwelling unit.	Above, plus 2 feet per additional unit	Above, plus 4 feet per additional unit
B1A, B1B, B2, B2A, B3B, B4, M1, M2, M3, when the lot abuts an "R" District	3 feet for each 12 feet of building height, or fraction thereof, but not less than 4 feet on the side which abuts an "R" District	Twice the "Each Yard" Requirement where applicable
B1A, B1B, B2, B2A, B3B, B4, M1, M2, M3, when the lot does not abut an "R" District	None	None
B3A	None	None

- (6) Side Yards Waived - For the purpose of side yard regulations, dwellings with common party walls shall be considered as one building occupying one lot.
- (7) Rear Yard Requirements - There shall be a rear yard for each lot as indicated below, and the minimum depth of such yard shall be as follows:

<u>District</u>	<u>Depth</u>
For Residential Use in All Districts Permitting Such Use.	25% of Lot Depth, or 25 feet, whichever is less.
B1A, B1B, B2, B2A, B3A, B3B, B4, M1, M2, M3, when abutting an "R" District, otherwise none required	20% of Lot Depth, or 20 feet, whichever is less.

- (8) Rear Yard, Accessory Building - An accessory building not exceeding 20 feet in height may occupy not more than 30% of the area of a required rear yard, provided that no accessory building shall be closer than three (3) feet to a side lot line.

#### B. General Provisions and Exceptions to Yard Requirements:

- (1) Yards Apply to Only One Building - No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with

the provisions of this chapter shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space or any lot be considered as providing a yard or open space for another lot wherein a building is to be erected.

(2) Projections Into Yards:

- (a) Cornice, Sill, Chimney or Fireplace - A cornice, eave belt course, sill, canopy or other similar architectural feature (not including bay window or other vertical projection which shall be a part of the main building) may extend or project into a required side yard not more than 2 inches for each 1 foot of width of such yard and may extend or project into a required front or rear yard not more than 30 inches. Chimneys or fireplaces may project into a required front, side or rear yard not more than 2 feet, provided the width of such side yard is not reduced to less than 3 feet.
  - (b) Fire Escape - A fire escape may extend or project into any front, side or rear yard not more than 4 feet.
  - (c) Open Stairway or Balcony - An open, unenclosed stairway or balcony, not covered by a roof or canopy may extend or project into a required rear yard not more than 4 feet and such balcony may extend into a required front yard not more than 30 inches.
  - (d) Open Porch - An open platform or landing which does not extend above the level of the first floor of the building, may extend or project into any required front, side or rear yard not more than 6 feet, provided, that the width of a side yard is not reduced to less than 3 feet.
  - (e) Fence or Wall - A fence, latticework screen, hedge or wall, not more than 7 feet in height, may be located in the required side or rear yard, and a hedge, maintained so as not to exceed 3 feet in height, may be located in any required front yard. Provided, however, that nothing contained in this chapter shall be deemed to prohibit the construction or maintenance of a fence of any height in connection with any permitted agricultural use.
  - (f) Trees, Shrubs, Flowers, or Plants - Trees, shrubs, flowers or plants shall be permitted in any required front, side or rear yard, provided it does not violate the provisions for corner setbacks as required in this section.
  - (g) Other Specified Structures - Walks, driveways, curbs retaining walls, mailboxes, name plates, lamp posts, bird baths and structures of a like nature shall be permitted in any required front, side or rear yard.
- (3) Corner Visibility - No fence, wall, hedge or other planting or other obstruction to vision, extending in excess of 3 feet above the established street center line grade shall be erected or maintained on that part of the corner lot that is included between the lines of intersecting streets and a line intersecting them at points of 15 feet distant from the intersection of the street lines.
- (4) On a corner lot the required rear yard, as defined by the Zoning Ordinance, may be reduced to no less than fifteen (15) feet; subject to the following conditions:

- (a) The front yard complies with the minimum setback requirements as established by other sections of the Zoning Ordinance or platted building lines.
- (b) The side yard, as defined by the Zoning Ordinance, adjacent to a side street shall also meet the minimum front yard requirements of the Zoning Ordinance or platted building lines, which ever are more restrictive.
- (c) The internal side yard, as defined by the Zoning Ordinance, shall not be less than twenty-five (25) feet.

In the event that a permit is issued based upon the above exception, allowing a fifteen (15) foot rear yard, then in no event shall the internal side yard of twenty-five (25) feet be encroached upon except by variance of the Board of Zoning Appeals.

- (5) On an internal lot which does not have parallel sides or parallel front and rear lines, the required side or rear yards may be established by using an average distance between the building and the non-parallel side or rear line. However, in no event, shall any part of the house be nearer than six (6) feet from a side line and fifteen (15) feet from a rear line, unless authorized by the Board of Zoning Appeals.
- (6) Junk Yard, Refuse Dumps and Open Land Use Screen Fencing:
- (a) An opaque, solid fence having a height above ground level of not less than eight (8) feet shall be erected on all perimeters of all Junk Yards, as defined in this chapter, Refuse Dumps and Public Garages with outside over-night storage of ten (10) or more vehicles, as defined in this chapter. The fencing shall be uniform material, color, and height, provided, however, that the provisions of paragraph (3) of this section referring to corner visibility must be adhered to.
- (b) Any Junk Yard, Refuse Dump, or Public Garage with over-night storage for ten (10) or more vehicles existing as a permitted or non-conforming use, whether legal or not, upon effective date of this paragraph, must, if they are to continue, have an opaque fence as described in paragraph (a) above erected on all the perimeters of said use not later than six (6) months from enactment of this ordinance.

#### Section 19. LOT COVERAGE IN SPECIFIED DISTRICTS.

In the districts hereinafter listed, residential buildings or structures, including accessory buildings or structures, shall be erected, enlarged or reconstructed to exceed the maximum lot coverage established for the district wherein such buildings or structures are located as given below. In computing such coverage, the area of open porches and terraces shall be excluded.

<u>District</u>	<u>Maximum Coverage</u>
RL, R2, R3, B1A, B1B, B3B, B4, M1, M2	30% of lot area or 1,800 square feet, whichever is greater.
RA, RB	25% of lot area

#### Section 20. RESIDENTIAL BUILDING SIZE - SPECIFIED DISTRICTS.

No building or structure shall be erected, enlarged, or reconstructed for residential purposes having a ground floor area, exclusive of

unenclosed porches, terraces, fireways and garages, of less than the minimum established for the district wherein such building or structure is located as follows:

<u>District</u>	<u>Ground Floor Area of Bldg. (Sq. Ft.)</u>	
	<u>One Story</u>	<u>More Than One Story</u>
R1	672	480
R2 - One Dwelling Unit	672	480
Two Dwelling Unit	960	480
R3 - One Dwelling Unit	672	480
Two Dwelling Unit	960	480
Three or More Units	Above, Plus 480 per unit	Above, Plus 400 per unit
RA, RB, B1A, B1B, B3A, B3B, B4, M1, M2	Same Requirements as R3 District	

#### ARTICLE V. ADMINISTRATION AND ENFORCEMENT

##### Section 21. IMPROVEMENT LOCATION PERMIT.

- A. No Building or structure, except buildings incidental to non-residential agricultural uses shall be erected, reconstructed, enlarged or moved until an Improvement Location Permit shall have been applied for in writing and issued by the Zoning Enforcement Officer.
- B. No Improvement Location Permit shall be issued by the Zoning Enforcement Officer for the proposed erection, reconstruction, enlargement or moving of a building or structure unless the proposed erection, reconstruction, enlargement or moving of a building or structure conforms with the provisions of this chapter.
- C. Applications for Improvement Location Permits shall be made upon form prescribed by the Zoning Enforcement Officer and shall be accompanied by plans and specifications of sufficient detail to enable the Zoning Enforcement Officer to determine whether the proposed improvements will comply with the provisions of this chapter.
- D. The applicant shall post said permit in a prominent place on the premises prior to and during the period of erection, reconstruction, enlargement or moving.
- E. Every permit may be revoked if active work is not commenced within sixty (60) days after the date of its issue, and continued with due diligence to completion; and the Zoning Enforcement Officer shall judge if due diligence is being shown and shall notify the owner or agent in case due diligence is not being shown.
- F. If the Zoning Enforcement Officer determines that the work under any permit is not being continued with due diligence to completion or is not proceeding according to the detailed statement, plans and specifications, upon which such permit was issued, or is proceeding in violation of law, it shall be his duty to give written notice thereof to the owner or his agent, requiring that the same must be immediately rectified.
- G. If the owner or his agent neglects to comply with the provisions of such notice within such time as may be specified by the Zoning Enforcement Officer, or fails to commence active work within sixty (60) days after the date of issue, it shall be the further duty of the Zoning Enforcement Officer to revoke said permit and written notice thereof shall be immediately served upon the owner, agent, superintendent or contractor in charge of the work, or posted on the property.

11. After such revocation of permit, any person performing any work in or about said structure, building or premises shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one dollar nor more than one hundred dollars.

## Section 22. CERTIFICATE OF OCCUPANCY.

- A. No occupancy, use or change of use, except buildings incidental to non-residential agricultural uses shall take place until a certificate of occupancy shall have been applied for in writing and issued by the Zoning Enforcement Officer, in the following cases: SECTION 8. Section 23 of Chapter 36 of Municipal Code.
- (1) Occupancy and use of a building or structure hereafter erected or enlarged.
  - (2) Change in use of an existing building or structure.
  - (3) Occupancy and use of vacant land except for the raising of crops.
  - (4) Change in the use of land to a use of a different classification except for the raising of crops.
  - (5) Any change in use of a nonconforming use.
- B. If the proposed use is in conformity with the provisions of this chapter, the Certificate of Occupancy therefore shall be issued within three (3) days after the application for the same has been made; provided, however, that no Certificate of Occupancy shall be issued in connection with the construction, alteration, enlargement or moving of a building or structure until such construction, alteration, enlargement or moving shall have been completed. Each Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all the provisions of this chapter.
- C. All improvements in any subdivision duly recorded after July 1, 1964, shall be installed in a manner that complies with the general and detailed specifications handbook adopted by the Board of Public Works of the city on August 14, 1961, and any amendments thereof which have been or may be duly adopted by such board from time to time, before a Certificate of Occupancy shall be issued. A Certificate of Occupancy for any use lying within the jurisdiction of the City Plan Commission of the city shall not be issued until all contractual inspection costs or inspection fees required by General Ordinance No. G-40, adopted on August 25, 1959, and appearing as Title 28A in the 1959 edition of the Municipal Code of the city, and any amendments thereof, have been paid to the Engineering Permit Office.

## Section 23. COMPLETION OF EXISTING BUILDINGS.

- A. Nothing in this chapter shall require any change in the plans, construction or intended use of any building or structure, the construction of which was legally authorized upon the effective date of this chapter and which construction is being diligently prosecuted pursuant to such authority. Such entire building or structure shall be completed within two (2) years from the effective date of this chapter.
- B. Nothing herein shall prevent the reconstruction of a wall or other structural part of a building declared unsafe by the proper authorities of the city or of the state.

## Section 24. ENFORCEMENT.

- A. It shall be the duty of the Zoning Enforcement Officer to enforce the provisions of this chapter in the manner and form with the powers provided by this chapter and any and all other provisions of this Code, and as provided in the laws of the State of Indiana.
- B. All departments, officials and employees of the city which are vested with the duty of authority to issue permits or licenses shall conform to the provisions of this chapter and shall issue no permit or license for any use, building or purpose if the same would be in conflict with the provisions of this chapter.

## Section 25. FILING FEES

- A. For each application for an improvement location permit, the sum of Three Dollars (\$3.00) to be paid to and collected by the Zoning Enforcement Officer.
- B. For each application for a certificate of occupancy the sum of Three Dollars (\$3.00) to be paid to and collected by the Zoning Enforcement Officer.
- C. For each petition for an appeal from the decision of the Zoning Enforcement Officer to the Board of Zoning Appeals, a fee of Fifty Dollars (\$50.00) to be paid to and collected by the Zoning Enforcement Officer, the receipt for which shall accompany the petition.
- D. For each application for the approval by the Commission of a "B2" Regional Shopping Center Development Plan or a "B2A" Neighborhood Shopping Center Development Plan, or an "IA" Interchange Access Center Development Plan, a fee of Fifty Dollars (\$50.00) to be paid to and collected by the Zoning Enforcement Officer, the receipt for which shall accompany the application.
- E. For each petition for an amendment to this chapter, a fee of fifty dollars (\$50.00) to be paid to and collected by the City Controller, the receipt for which shall accompany the petition.
- F. No part of any filing fee paid pursuant to this section shall be returnable to the applicant or petitioner.

## Section 26. PENALTIES.

- A. Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise who violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten dollars nor more than three hundred dollars for each offense. Each day of the existence of any violation of this chapter shall be a separate offense.
- B. The erection, construction, enlargement, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained contrary to any provisions of this chapter is hereby declared to be a nuisance and in violation of this chapter is hereby declared to be a nuisance by its Zoning Enforcement Officer may institute a suit for injunction in the Circuit Court or any Superior Court of the County to restrain any person or governmental unit from violating any provision of this chapter and to cause such violation to be prevented, abated or removed. Such action may also be instituted by any property owner who may be especially damaged by the violation of any provision of this chapter.
- C. The remedies provided for in this section shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

## ARTICLE VI. BOARD OF ZONING APPEALS

## Section 27. ORGANIZATION.

The Board of Zoning Appeals of the city, as presently constituted, is hereby recreated and re-established and continued and shall exist hereafter subject to and in accordance with the provisions of Chapter 174 of the Acts of 1947 of the General Assembly of the State and all acts now or hereafter amendatory thereto.

## Section 28. MEETINGS.

The Board shall meet at least once each month on a regular day set by the Board and at other times at the call of the chairman or of not less than three (3) members thereof.

## Section 29. PROCEDURE.

The procedure of the Board shall be governed by the provision of Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana and all acts amendatory thereto. The Board shall adopt rules and regulations concerning the filing of appeals, the giving of notices, the conduct of its hearings and for all other of its operations and procedures as shall be necessary to carry out its duties. It shall keep minutes of its proceedings, records of its examinations and other official actions, prepare written findings and record the vote on all actions taken. All minutes and records of the Board shall be public.

## Section 30. POWERS OF THE BOARD OF ZONING APPEALS.

## A. The Board of Zoning Appeals shall:

- (1) Hear and determine appeals from and review any order, requirement decision or determination made by the Zoning Enforcement Officer and any other administrative official or board charged with the enforcement of this chapter or any regulation adopted pursuant hereto;
- (2) Permit and authorize contingent uses and special uses subject to and within the limitations prescribed by the provisions of this chapter;
- (3) Authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done; provided, however, that no action shall be taken or decision made except after public hearing.

B. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have all powers of the officer or board from whom the appeal is taken. It may impose such conditions, regarding the location, character and other features of the proposed building, structure or use with which the appeal before it is concerned, as it may deem advisable in furtherance of the purposes of this chapter and the protection of the public convenience and welfare, provided, however, that it shall not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this chapter.

## ARTICLE VII. PRIVATE RESTRICTIONS.

## Section 31. WHEN CHAPTER MORE RESTRICTIVE.

Whenever the provisions of this chapter are more restrictive or impose higher standards than are required by any statute of the state or any provision of any other chapter of this Code or of any other ordinance of this city or by any restrictions or limitations as to particular property established by deed, plat or otherwise running with the land, the provisions of this chapter shall govern.

## Section 32. WHEN OTHER PROVISIONS MORE RESTRICTIVE.

Whenever the provisions of any statute or of any other chapter of this Code or of any other ordinance of this city, or any restriction or limitation established by plat or deed or otherwise running with the land, is more restrictive or imposes higher standards than are required by this chapter, the provisions of such statute, chapter, ordinance, plat, deed, restriction or limitation shall govern.

## ARTICLE VIII. SEVERABILITY.

Section 33. If any part, parts, section, sections, provision, clause or portion of this chapter shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this chapter as a whole or of any other part, section, clause, provision or portion of this chapter.

## ARTICLE IX. HISTORICAL DISTRICTS.

## Section 34. PURPOSE OF ARTICLE.

Preservation of historical sites and structures being in the public interest, to promote the general welfare and carry out the objects of the city, it is hereby declared to be the policy of the city to assist in doing so as hereby provided.

## Section 35. DESIGNATION.

The Common Council, on the recommendation of the City Plan Commission, after public hearing, may from time to time designate areas within the zoning jurisdiction of the Commission as historical districts. The Plan Commission may consult with the Mayor's Commission on the Preservation and Restoration of Historical Landmarks and the Allen County-Fort Wayne Historical Society. Historical districts may be part of any other zoning district under this chapter, and shall remain subject to the restrictions of such other district.

## Section 36. PERMIT FOR ALTERATION OR DESTRUCTION OF STRUCTURES - APPLICATION.

No application for any special permit is required under this article. If an application is made under other provisions of the law for demolition or substantial alteration of any structure in an historical district established under Section 34, or for the erection of any new structure in an historical district so established, the Zoning Enforcement Officer shall forthwith refer the application to the Board of Zoning Appeals. No such referral is required if the application is for an alteration which is not substantial.

## Section 37. SWE - ISSUANCE.

The Board of Zoning Appeals, after consultation with the Mayor's Commission on the Preservation and Restoration of Historical Landmarks, and the Allen County-Fort Wayne Historical Society, and after a public hearing, shall determine whether the proposed action would be detrimental to the historical nature of the area. If the Board determines



that it would not be so detrimental to the area, the requested permit shall be issued.

#### Section 38. SAME - REPEALED.

If the Board of Zoning Appeals, after consultation with the Mayor's Commission on the Preservation and Restoration of Historical Landmarks and the Allen County-Fort Wayne Historical Society, and after a public hearing determines that the proposed action would be detrimental to the historical nature of the area, it shall be so reported to the Mayor, and the requested permit shall not be issued.

#### Section 39. TERMINATION OF HISTORICAL ZONING - Repealed

#### Section 40. SAVING CLAUSE.

The enactment of this chapter shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or part or provision of any chapter of the Municipal Code of the City of Fort Wayne, Indiana, 1946 prior to the taking effect of this chapter.

NOTE: The text of Section 36 and 37 above were amended by G-96-70, 7/28/70, while Section 38 was repealed in its entirety.

### ARTICLE X - Flood Plain Management and Control

#### Section 41. General Criteria For Flood Plain Regulations.

A. Objectives - The objective of these criteria are to provide a uniform basis for the preparation and implementation of sound flood plain regulations for Fort Wayne's rivers and streams to:

- (1) Protect human life and health.
- (2) Protect individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
- (3) Provide for public awareness of the flooding potential.
- (4) Minimize public and private property damage.
- (5) Minimize surface and ground-water pollution which will affect human, animal, or plant life.
- (6) Control Flood-plain uses such as fill, dumping, storage of material, structures, buildings, and any other works which acting alone or in combination with other existing or future uses which will cause damaging flood heights and velocities by obstructing flows and reducing valley storage.
- (7) Control development which will, when acting alone or in combination with similar developments, create an unjustified demand for public investment in flood-control works by requiring that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction.
- (8) Control development which will, when acting alone or in combination with similar development, cause flood losses if public streets, sewer, water, and other utilities must be extended below the flood level to serve the development.
- (9) Control development which will, when acting alone or in combination with similar development, create an additional burden to the public to pay the costs of rescue, relief, emergency preparedness measures, sandbagging, pumping and temporary dikes or levees.
- (10) Control development which will, when acting alone or in combination with similar development create an additional burden to the public for business interruptions, factory closings, disruption of transportation routes, interference with utility services, and other factors that result in loss of wages, sales, production, and tax write offs.

- (11) Help maintain a stable tax base by the preservation or enhancement of property values for future flood-plain development. In addition, development of future flood-prone areas on flood plains will be maintained and property values and the tax base adjacent to the flood plain will be preserved.

Section 42. Definitions - Whenever used or referred to in this ordinance unless a different meaning appears from the context:

- A. "Board" - Board of Zoning Appeals
- B. "Commission" - Fort Wayne City Plan Commission
- C. "Flood" or "Flood Water" - means the water of any river or stream in the State or upon or adjoining any boundary line of the State which is above the bank and/or outside the channel and banks of such river or stream.
- D. "Flood Hazard Areas" - means those areas of the flood plain which have not been adequately protected from flooding by the regulatory flood by means of dikes, levees, reservoirs, or other works approved by the Commission.
- E. "Flood Plain" - means the area adjoining the river or stream which has been or may hereafter be covered by flood water.
- F. "Flood-Proofing" - a combination of structural provisions, charges, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood-hazard area.
- G. "Flood Protection Grade" - means the elevation of the lowest point around the perimeter of a building at which flood waters may enter the interior of the building.
- H. "Floodway" (FW) see (M) "Regulatory Floodway"
- I. "Floodway Fringe" (FF) - means those portions of the flood hazard areas lying outside the floodway.
- J. "General Flood-Plain District" (GF) see (D) "Flood Hazard Areas".
- K. "INRC" - The Indiana Natural Resources Commission.
- L. "Obstruction" - any dam, wall, wharf, embankment levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood-hazard area which may impede, retard, or change the direction of the flow of water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.
- M. "Regulatory Flood" - means that flood having a peak discharge which can be expected to be equalled or exceeded on the average of once in a one hundred year period, as calculated by a method and procedure which is acceptable to and approved by the Commission. This flood is equivalent to a flood having a probability of occurrence of one percent in any given year.
- N. "Regulatory Flood Profile" - means a longitudinal profile along the thread of a stream showing the maximum water surface elevations attained by the regulatory flood.

- 1 O. "Regulatory Floodway" or "Floodway" - means the channel of a  
 2 river or stream and those portions of the flood plain adjoining  
 3 the channel which are reasonably required to efficiently carry and  
 4 discharge the peak flood flow of the regulatory flood of any  
 5 river or stream.
- 6 P. "River or Stream" - shall mean all open channels, whether natural,  
 7 man-made, or notified by man, which carry or discharge water.

#### 8 Section 43. Flood Hazard Area Delineation.

9 The areal extent of the flood hazard area shall include all land as  
 10 indicated on maps supplied by the Army Corps of Engineers, the Soil  
 11 Conservation Service and the Department of Housing and Urban Develop-  
 12 ment. The regulatory floodway, floodway fringe, the peak discharge  
 13 and the flood profile shall be determined by the INRC utilizing the  
 14 best available technology and shall be approved by the Commission.

#### 15 Section 44. Establishment of District Boundaries.

16 The mapped flood-hazard areas within the jurisdiction of this ordinance  
 17 are hereby designated as the GENERAL FLOOD-PLAIN DISTRICT (GF). The  
 18 Boundaries of this district shall be shown on the official Zoning Map.  
 19 Within this district all uses not permissible by right or as special-  
 20 permit uses shall be prohibited.

#### 21 Section 45. District Boundaries Changes Thereto.

22 The "General Flood-Plain District" shall be divided into a "Floodway  
 23 (FW)" and a "Floodway Fringe (FF) District" upon determination and  
 24 delineation by the INRC and the Commission. When this division occurs  
 25 the provisions outlined in Section 46 and 47 shall automatically take  
 26 effect.

#### 27 Section 46. General Flood Plain District. (GF)

- 28 A. General Provisions and Uses. It is the intent of this ordinance  
 29 to control and manage the uses of land in the General Flood  
 30 Plain (GF) so as to meet the objectives identified and superimposed  
 31 over the existing zoning districts. However, before an Improve-  
 32 ment Location Permit can be issued for any permitted uses, the  
 33 Zoning Enforcement Officer must ascertain whether said use or  
 34 accompanying structure will be detrimental to the objectives  
 35 identified in Section 40. A. (1) - (11).
- 36 B. General Use Permit. All construction, building, alteration of  
 37 structures or land, change of use, or initiation of a new use in  
 38 the General Flood Plain will require a "general use permit"  
 39 before the issuance of an Improvement Location Permit. This  
 40 "General Use Permit" shall be granted by the Zoning Enforcement  
 41 Officer.
- 42 C. Procedures Being Followed Regarding Construction in General Flood  
 43 Plain District.
- 44 (1) All plans submitted to the Commission for either approval  
 45 by the Commission or application for Improvement Location  
 46 Permits will be checked against the official Zoning Map. If  
 47 the site location falls within a flood hazard area, a  
 48 location map and letter will be submitted to the INRC for  
 49 their recommendation. Until comment is received from the  
 50 INRC NO action will be taken by the Commission.
- 51 (2) Based upon the technical evaluation of the INRC, the Zoning  
 52 Enforcement Officer shall determine and evaluate the specific  
 53 flood hazard at the site and shall determine the suitability  
 54 of the proposed use in relation to the potential flood  
 55 hazard. If he finds the proposed use suitable, he will issue

a "General Use Permit". Upon issuance of this permit on a regulatory floodway permit shall be issued forthwith, provided the other requirements of this ordinance have been satisfied.

If upon receipt of comments by the EIRC, he finds that the proposed use is unsuitable in relation to the potential flood hazard, he shall deny the application for a "General Use Permit". The applicant may then file for a hearing before the Commission if he so chooses. The applicant shall have the burden of proof to establish that the permit was wrongfully denied.

Both the Commission and the Zoning Enforcement Officer shall consider the factors listed in Section 46 D (2) when making their decision on the suitability of the proposed use.

#### Section 47. Floodway Districts. (FV)

A. Permitted uses within a regulatory floodway district. The following land uses have acceptable low flood damage potential and shall not require a special permit for construction in the floodway, provided they do not involve any structure, obstruction, deposit, or excavations. This list is intended to include examples of open space uses which will not adversely affect the efficiency of or unduly restrict the capacity of the regulatory floodway and are reasonably tolerant of the presence of flood waters.

- (1) Agricultural uses such as the production of crops, pastures, orchards, plant nurseries, vineyards, and general farming.
- (2) Forestry, wildlife areas, and nature preserves.
- (3) Park and recreational uses, such as golf courses, driving ranges, and play areas.

B. Special Exception Uses - Floodway Districts. The following uses of land may have unacceptable flood damage potential; involve structures, obstructions, deposits, or excavation which may adversely affect the efficiency of or unduly restrict the capacity of the regulatory floodway; constitute an unreasonable hazard to the safety of life or property; or result in unreasonable detrimental effects upon fish, wildlife, and botanical resources. These uses will require a "Special Permit" for construction in the Floodway as provided in "Special Permit" uses of this ordinance. In general, these uses involve water management structures, transportation facilities, temporary or seasonal flood plain occupancy, or public, industrial, and commercial uses which are either dependent on their proximity to water or are reasonably open in nature and flood tolerant.

- (1) Water management and use facilities, such as dams, docks, dolphins, channel improvements, dikes, jetties, groins, marinas, piers, wharves, levees, seawalls, floodwalls, weirs, and irrigation facilities.
- (2) Transportation facilities, such as streets, bridges, roadways, fords, airports, pipe lines, railroads, and utility transmission facilities.
- (3) Temporary or seasonal flood plain occupancy, such as circus sites, fair sites, carnival sites, boat ramps, camps, roadside stands, and transient amusement facility sites.
- (4) Water-related urban uses, such as wastewater treatment facilities, storm sewers, electrical generating and transmission facilities, and water treatment facilities.

(B) Other flood tolerant or open urban uses, such as flood-proof life, cultural and recreational buildings, open parks, trails, courts, park buildings, outdoor theaters, fairs, truck freight terminals, radio or TV towers, parking lots, and mineral extractions.

C. Standards for Floodway Special Use Permit Uses. All uses. No structure (Temporary or permanent), fill (including fill for levees and levees) deposit, obstruction, storage of materials or equipment, or other use may be allowed as a special exception use which, acting alone or in combination with existing or future uses, unduly affects the capacity of the floodway or unduly increases heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. In addition all floodway special permit uses shall be subject to the standards contained in Section 46 D (2) of this Article.

#### D. Procedures for Development Within Floodway.

- (1) Any use listed in this ordinance as requiring a special use permit may be allowed only upon application to the Zoning Enforcement Officer on forms furnished by him and the issuance of a "Special Permit". Upon receipt of the Application the Zoning Enforcement Officer shall forthwith submit it to the Commission.
- (2) Procedure to be followed by the Commission in passing on special permits. Upon receiving an application for a special permit involving the use of fill, construction of structures, or storage of materials, the Commission shall, prior to rendering a decision thereon; request and receive the recommendation of the INRC as to the suitability of the proposed use in relation to the flood hazard. In passing upon such applications, the Commission shall consider all relevant factors specified in other sections of this ordinance:
  - (a) The danger of life and property due to increased flood heights or velocities caused by encroachments.
  - (b) The danger that materials may be swept on to other lands or downstream to the injury of others.
  - (c) The proposed water supply and sanitation systems and the ability to these systems to prevent disease, contamination, and unsanitary conditions.
  - (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
  - (e) The importance of the services provided by the proposed facility to the community.
  - (f) The requirements of the facility for a waterfront location.
  - (g) The availability of alternative locations not subject to flooding for the proposed use.
  - (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - (i) The relationship of the proposed use to the comprehensive plan and flood-plain management program for the area.

- (j) The safety of access to the property in times of flood or ordinary high water.
- (k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (l) Such other factors which are relevant to the purposes of this ordinance.

#### E. Fill.

- (1) Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fills or other materials.
- (2) Such fill or other materials shall be protected against erosion by riprap, vegetation cover, or bulkheading.

#### F. Structures (temporary or permanent).

- (1) Structures shall not be designed for human habitation.
- (2) Structures shall have a low flood-damage potential.
- (3) The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
  - (a) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flow of flood waters.
  - (b) So far as practicable, structures shall be placed approximately on the same flood-flow lines as those of adjoining structures.
- (4) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and,
- (5) Service facilities such as electrical and heating equipment shall be constructed at or above the regulatory flood-protection elevation for the particular area or flood-protected.

#### G. Storage of Material and Equipment.

- (1) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
- (2) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

#### Section 48. Floodway-Fringe District. (FF)

A. Floodway-Fringe District. All facilities, structures, and buildings normally found in a community, such as businesses, medical facilities, community and government buildings, industrial facilities, restaurants, commercial facilities, storage facilities, utility buildings, amusement facilities, residential buildings, and civic or fraternal facilities, may be constructed in a floodway fringe district provided that the flood protection grade for

all buildings shall be at least at or above the regulatory flood profile and that the zoning shall be proper.

8. Procedure. Before the issuance of an Improvement Location Permit, the Zoning Enforcement Officer shall determine that the proposed use meets the requirements and intent of this ordinance.

#### Section 49. Conditions Attached to "Special Permits"

Upon consideration of the factors listed above and the purpose of this ordinance, the Commission may attach such conditions to the granting of special permits and variances as it deems necessary to further the purpose of this ordinance.

#### Section 50. Nonconforming Uses.

All land uses now existing in flood hazard areas not in full compliance with this rule shall be considered a nonconforming use. Except for normal maintenance, any building which constitutes a nonconforming use may be altered, repaired, enlarged, or extended, provided such alterations, repairs, enlargements, or extensions do not increase the value of the building, excluding the value of the land, by more than fifty percent (50%) of its pre-improvement market value, and the alterations, repairs, enlargements, or extensions are not otherwise prohibited or restricted by state law or local ordinances. Any building which constitutes a nonconforming use which is damaged by flood, fire, explosion, act of God, or the public enemy, may be restored to its original dimensions and condition, provided the damage does not reduce the value of the land by more than fifty percent (50%) of its pre-damaged market value. Any repairs, alteration, enlargements, or extensions, of any existing nonconforming use which does not involve a building is subject to the provisions of this ordinance.

#### Section 51. Variances.

This ordinance promulgates standards and procedures essential to assure reasonable protection to present and future uses within the flood plain. However, there may be a need from time to time, to permit variances from these standards in particular cases within areas which are almost entirely developed. The Board may grant such variances only where the following conditions are met:

- (1) The structure or use is located on a lot of one half acre or less and is surrounded by existing structures; and,
- (2) Good and sufficient cause exists for granting the variance; and,
- (3) Failure to grant the variance would result in extreme hardship to the owners of the land; and,
- (4) All possible efforts are made to minimize potential flood damages.

If the Board grants a variance according to the above, it must give written notice to the applicant. This written notice shall include:

- (1) The fact that the proposed structure will be located in a flood prone area.
- (2) The number of feet that the lowest floor of the proposed structure will be below the 100-year flood level.
- (3) The fact that the flood insurance rates will be increased commensurate with the distance below the 100-year flood level.

This notice shall be attached to the building permit and must be displayed with it.

John Nuckols  
Samuel J. Talarico  
Vivian G. Schmidt  
William T. Hinga

Concurred in 2-13-79 Charles W. Westerman  
City Clerk

BILL NO. G-78-10-07

GENERAL ORDINANCE NO. G-04-79

AN ORDINANCE amending General Ordinance  
No. G-97 by authorizing the vacation of a  
certain street

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain street having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 18-7-5-46), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following street, to wit:

Nelson Street, from the north right-of-way of Jones Street, to the north right-of-way of the first east-west alley, lying south of Wilt Street. Total amount of vacation: 156 feet - located between Lot #10 and vacated alley of Jones Addition, and Lots #1, 2, 3, & 4 and vacated alley of City Subdivision.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.



SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Vivian G. Schmidt  
Councilwoman

Read the third time in full and on motion by Nuckols, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt  
V. Schmidt, Stier, Talarico

Nays: None

Date: 2-13-79

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-04-79 on the 13th day of February, 1979.

ATTEST: (SEAL)

Charles W. Westerman      Winfield C. Moses, Jr.  
City Clerk                      Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of February, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 20th day of February, 1979, at the hour of 3:00 o'clock P.M.,E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. S-79-01-27

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving City Utilities Purchase Order No. 0798 with By-Products Management, Inc., for chemicals for WPC Plant have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns  
 Samuel J. Talari co  
 Vivian G. Schmidt  
 Donald J. Schmidt  
 James S. Stier

Concurred in 2-13-79 Charles W. Westerman  
 City Clerk

BILL NO. S-79-01-27

SPECIAL ORDINANCE NO. S-26-79

AN ORDINANCE approving City Utilities  
 Purchase Order No. 0798 with By-Products  
 Management, Inc., for chemicals for WPC PLANT

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The City Utilities Purchase Order No. 0798, dated January 15, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and By-Products Management, Inc., for:

three months supply of Liquid Ferrous Sulfate for test run study on Phosphorous removal at the Water Pollution Control Plant,

at a cost of \$7,500.00 (Estimated), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns  
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt,  
Stier, Talarico

Nays: None

Date: 2-13-79

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-26-79 on the 13th day of February, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of February, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 20th day of February, 1979, at the hour of 3:00 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. S-79-01-28

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving City Utilities Purchase Order No. 0768 with DeHaven Chevrolet, Inc., for a truck for Water Maintenance & Service Department have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns  
Samuel J. Talarico  
Vivian G. Schmidt  
Donald J. Schmidt  
James S. Stier

Concurred in 2-13-79 Charles W. Westerman  
City Clerk

BILL NO. S-79-01-28

SPECIAL ORDINANCE NO. S-27-79

AN ORDINANCE approving City Utilities  
Purchase Order No. 0768 with DeHaven  
Chevrolet, Inc. for a truck for Water  
Maintenance & Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 0768, dated January 4, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and DeHaven Chevrolet, Inc., for:

One 1979 3/4 Ton heavy duty pick up truck for the  
Water Maintenance & Service Department for use in  
hydrant repair and for the thawing of frozen fire  
hydrants in winter months,

at a cost of \$6,071.84, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference in-

corporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns  
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,  
V. Schmidt, Stier, Talarico

Nays: None

Date: 2-13-79

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-27-79 on the 13th day of February, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of February, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 20th day of February, 1979, at the hour of 3:00 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. S-79-01-29

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving an Agreement with Shambaugh & Sons, Inc., for construction of a sanitary sewer have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns  
Samuel J. Talarico  
Vivian G. Schmidt  
Donald J. Schmidt  
James S. Stier

Concurred in 2-13-79 Charles W. Westerman  
City Clerk

BILL NO. S-79-01-29

SPECIAL ORDINANCE NO. S-28-79

AN ORDINANCE approving an Agreement  
with Shambaugh & Sons, Inc., for construction  
of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That the Agreement dated January 8, 1979, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Shambaugh & Sons, Inc., for:

SANITARY SEWER

"Beginning at an existing Sanitary Sewer Manhole located 670 + LF North of and 20 + LF East of the centerline intersection of Moeller Road and Adams Center Road; thence, South along the East right-of-way line of said Adams Center Road 1200 + LF terminating at a proposed manhole located 530 + LF South of and 20 + LF East of the centerline intersection of said Moeller Road and Adams Center Road."

of which the developer shall pay the entire cost and expense of the construction of said sewer, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns  
Councilman

Read the third time in full and on motion by Burns, seconded by Talarico and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,  
V. Schmidt, Stier, Talarico

Nays: None

Date: 2-13-79

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-28-79 on the 13th day of February, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of February, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 20th day of February, 1979, at the hour of 3:00 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. X-77-05-23 (as amended)

REPORT OF THE COMMITTEE ON ANNEXATION

We, your Committee on Annexation to whom was referred an Ordinance amending Bill No. X-77-05-23 and annexing certain territory to the City of Fort Wayne, and including the same in Councilmanic District No. 3 effective March 6, 1979 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS (as amended)

William T. Hinga  
Vivian G. Schmidt  
Samuel J. Talarico

Concurred in 21-13-79 Charles W. Westerman  
City Clerk

BILL NO. X-77-05-23 (AS AMENDED)

ANNEXATION ORDINANCE NO. X-01-79

AN ORDINANCE AMENDING BILL NO.  
X-77-05-23 and annexing certain territory to  
the City of Fort Wayne, and including the  
same in Councilmanic District No. 3,  
effective March 6, 1979

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be, and the same is hereby annexed to and made a part of the corporation of the City of Fort Wayne, Indiana effective, March 6, 1979, to-wit:

Beginning at the intersection of the North right-of-way line of Interstate 69, and the West right-of-way line of the Penn Central Railroad Company's right-of-way in the Southwest Quarter of Section 14, Township 31 North, Range 12 East; thence North along said West railroad right-of-way line to the North right-of-way line of Ludwig Road; thence West along said right-of-way line to the East line of Lot #4 in Dryer's Subdivision as recorded in Plat Book 9, Page 61, in the Office of the Recorder of Allen County, Indiana; thence North along the East property line of said



Lots #4 and #3 to the Northeast corner of Lot #3 in Dreyer's Subdivision; thence West along the Northern property line of Lot #3 to the East property line of Lot #7 in Dreyer's Subdivision; thence North along the East line of Lot #7 to the Northeast corner of said lot; thence West along the Northern property line of Lot #7 to the East right-of-way line of State Road #3; thence Southeasterly along said road right-of-way to the South right-of-way line of Washington Center Road; thence East along said right-of-way line to a point on said right-of-way formed by the projection of the West right-of-way line of Sharon Drive Southward to its intersection with the South right-of-way line of Washington Center Road; thence North along the West right-of-way line of said Sharon Drive, to a point due West of the North property line of Rodenbeck's 7th Addition; thence East along the North property line of Rodenbeck's 7th Addition to the East right-of-way line of Rodenbeck Drive; thence North along said East right-of-way line 39 feet to the Northwest corner of Lot #117 in Rodenbeck's 7th Addition; thence East along the North property line of Lot #117 to the East property line of said Rodenbeck's 7th Addition; thence South along the East line of said Addition to the North right-of-way line of Interstate 69; thence in a Northeasterly direction along the North right-of-way line of said Interstate 69 to the point of beginning.

The above-described area containing approximately 266 acres.

SECTION 2. The following services will be provided by the City of Fort Wayne to the above-described annexed territory immediately upon the effective date of annexation: police protection, fire protection, emergency medical services, street and road maintenance, solid waste collection, and traffic engineering.

SECTION 3. Additional services of an intangible nature which will be provided by the City of Fort Wayne to the above described annexed territory immediately upon the effective date of annexation include: services of the Office of the Mayor; Department of Finance; Redevelopment Commission; the Common Council; Community Development and Planning; Metropolitan Human Relations Commission and all other administrative branches of the City of Fort Wayne.

SECTION 4. That, upon petition to the Board of Public Works, City sewer, water and drainage shall be provided in accordance with relevant state law and existing City and City Utilities policies. Street lighting, street reconstruction, and park services, will be provided in conformance to existing

policies, relevant state laws and upon petition when applicable.

SECTION 5. All governmental and proprietary services of the City of Fort Wayne that are to be provided the above described territory immediately upon annexation, as stated in this ordinance, will be furnished to the said described territory in a manner that is substantially equivalent in standard and scope to the governmental and proprietary services furnished by the City to other areas of the City which have characteristics of topography, patterns of land utilization and population density similar to said described territory.

SECTION 6. Governmental and proprietary services of the City of Fort Wayne that are not to be provided immediately, or in a manner otherwise described herein, will be provided to the above described area within a period of three (3) years of annexation in a manner that is substantially equivalent in standard and scope to the governmental and proprietary services furnished by the City to other areas of the City which have characteristics of topography, patterns of land utilization and population density similar to said described territory.

SECTION 7. The procedures for providing governmental and proprietary services to the above described area are outlined in the fiscal plan for the area developed by the Department of Community Development and Planning, which plan is examined, approved and adopted by the Common Council prior to the passage of this ordinance.

SECTION 8. Said annexed territory shall be part of Councilmanic District No. 3 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article II of the Code of the City of Fort Wayne, Indiana, 1974.

SECTION 9. After its passage, approval by the Mayor, final publication and the required sixty (60) day remonstrance period, this ordinance shall be in full force and effect on March 6, 1979.

James S. Stier  
Councilman

Read the third time in full and on motion by Stier, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven

Burns, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt,  
Talarico

Nays: Two

Nuckols, Stier

Date: 2-13-79

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-01-79 on the 13th day of February, 1979.

ATTEST: (SEAL)

Charles W. Westerman	Winfield C. Moses, Jr.
City Clerk	Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of February, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 20th day of February, 1979, at the hour of 3:00 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 13th day of February, 1979 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne,  
Indiana, this 20th day of February, 1979.

Charles W. Westerman  
City Clerk

Minutes approved and signed in open council this 27th day of  
February, 1979.

ATTEST:

(SEAL)

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CITY CLERK

---

PRESIDING OFFICER

Section 52. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice or debris jams. This ordinance does not imply that area outside flood hazard areas, as defined herein, will be free from flooding or flood damages. This ordinance does not create liability on the part of the State of Indiana, the INRC, the Board, the Commission, or the City of Fort Wayne, or any elected or appointed official or employee thereof for any flood damages that result from reliance on this rule or any administrative decision lawfully made thereunder.

Section 53. Severability.

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 2. That this ordinance shall be in full force and effect from and after its passage, approval by the Mayor and due legal publication thereof.

John Nuckols  
Councilman

Read the first time in full and on motion  
by Nuckols, seconded by Stier, and duly adopted,

read the second time by title and referred to the  
Committee on Regulations, and to the City Plan  
Commission thereupon

Date: 2-13-79

Charles W. Westerman  
City Clerk

BILL NO. R-79-02-21

RESOLUTION NO. R-

A RESOLUTION authorizing the  
filing of an application for  
fiscal year 1979 Community Development  
Block Grant Funds

WHEREAS, the City of Fort Wayne has as a goal the provision of a decent and viable living environment for all of its citizens; and

WHEREAS, the City of Fort Wayne has consistently committed itself to the elimination of blight and deterioration which is present within the community and the prevention of its further spread; and

WHEREAS, under the provisions of the Housing and Community Development Act of 1977, the City of Fort Wayne is entitled to receive annual grants through the Community Development Block Grant Program; and

WHEREAS, funding under this program must be used for the promotion of viable urban communities and the prevention or elimination of blight and deterioration, primarily for the benefit of low and moderate income people; and

WHEREAS, the City of Fort Wayne has developed a community development plan and program which is consistent with the City's overall strategy for preventing the further spread and elimination of blight and deterioration; and

WHEREAS, all necessary steps have been taken by the Mayor and the Department of Community Development and Planning staff to properly complete the attached entitlement application for fifth year Community Development Block Grant funding in conformance with that strategy and plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. That the attached application for \$2,639,000.00 in fifth year entitlement funds and the accompanying assurances be approved and forwarded to the U.S. Department of Housing and Urban Development under the signature of Mayor Robert E. Armstrong.
2. That Mayor Robert E. Armstrong, in his capacity as Chief Executive Officer for the City of Fort Wayne, be authorized to act on behalf of the City in contemplating contractual agreements pertaining to this grant and providing additional information and documentation pertinent thereto as required.

3. That the Common Council by its approval of this application hereby reaffirms its intent to reduce and eliminate urban blight within the City of Fort Wayne.

Vivian G. Schmidt  
Councilwoman

Read the first time in full and on motion by V. Schmidt, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 2-13-79

Charles W. Westerman  
City Clerk

BILL NO. R-79-02-24

#### RESOLUTION NO. R-

A RESOLUTION authorizing the issuance and sale of \$1,200,000.00 Economic Development Revenue Bonds (Don Ayres Pontiac, Inc. and Paul A. Bradtmiller) of the City of Fort Wayne, Indiana, for the purpose of defraying the cost of acquiring facilities, authorizing the execution of the necessary instruments, providing for the pledge of revenues for the payment of said bonds, authorizing a mortgage and indenture of trust appropriate for the protection and disposition of such revenues, and authorizing the sale of said bonds.

WHEREAS, the City of Fort Wayne, Indiana (hereinafter called the "City") is a municipal corporation and political subdivision of the State of Indiana and by virtue of IC 1971, 18-6-4.5-1 through 18-6-4.5-29, inclusive, as amended (hereinafter called the "Act") is authorized and empowered to acquire economic development facilities as those words are defined in the Act and to make such facilities available to others to overcome insufficient employment opportunities and insufficient diversification of industry in and near the City to promote the general economic welfare of the area in and near the City and to issue its economic development revenue bonds to pay all costs of purchase or construction of such economic development facilities including engineering, legal fees, and other expenses related thereto during construction, including the costs of issuing the bonds and to secure said bonds by a trust indenture creating a security interest

in such economic development facilities; and

WHEREAS, Don Ayres Pontiac, Inc. and Paul A. Bradtmiller (the "Corporation") is a corporation fully organized under the laws of the State of Indiana; and

WHEREAS, the Corporation has agreed to construct economic development facilities and thereby create new employment opportunities and provide diversification of industry in and near the area of the City and to pay the principal of and interest and premium on the economic development revenue bonds herein-after authorized; and

WHEREAS, the Common Council of the City (the "Common Council") has heretofore by Special Ordinance No. S-19-72 and pursuant to IC 1971, 18-6-4.5-1 through 18-6-4.5-29, inclusive, created the Fort Wayne Economic Development Commission which by virtue of the Act has become of the Fort Wayne Economic Development Commission (the "Commission") and the members of the Commission have been duly appointed and qualified pursuant to law and the Commission has organized and undertaken the duties imposed upon it by the Act and has found by written resolution that because of existing insufficient employment opportunities and insufficient diversification of industry, the economic welfare of the City would be benefited by the financing of the construction of economic development facilities by the Corporation; and

WHEREAS, the Commission has by such resolution approved a Report estimating the public services which would be made necessary or desirable, the expense thereof, the number of jobs, economic development facilities and the cost of construction of the economic development facilities and has submitted such report to the City Plan Commission; and

WHEREAS, Said Plan Commission and Fort Wayne Community Schools, upon receiving the report of the Commission, has formulated written comments concerning such estimate and have transmitted those comments to the Commission within the time provided by law; and

WHEREAS, after giving notice in accordance with the Act, the Commission held a public hearing on the proposed financing and adopted a resolution finding the proposed financing complies with the Act, approving the financing and approving the form and terms of the economic development revenue bonds proposed to be issued by the City to pay a portion of the cost of such facilities, the Lease Agreement and Indenture, which resolution and other instruments and information pertaining to the proposed financing have been transmitted to the Common Council of the City by Secretary of the Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:



SECTION 1. Public Benefits. The Common Council of the City hereby finds and determines that the facilities in connection with the project ("the Project") to be acquired in part with the proceeds of the Economic Development Revenue Bonds (Don Ayres Pontiac, Inc. and Paul A. Bradtmiller) herein authorized are "economic development facilities" as the phrase is used in the Act and the utilization of the property in the creation and location of the Project is economically sound will increase employment opportunities and increase diversification of industry in and near the City, will improve and promote the economic stability, development and welfare of the area in and near the City and the location of the other new industries in such area.

SECTION 2. Findings. The Common Council hereby finds that this resolution (the "Bond Resolution") is of public benefit to the economic welfare of the City, by tending to overcome the deficiencies previously found to exist, to-wit: insufficient employment opportunities and insufficient diversification of industry and recreational facilities, and that such benefit is greater than the cost of public facilities (as the phrase is defined in the Act), which will be required by the Project.

SECTION 3. Authorization of \$1,200,000.00 Economic Revenue Bonds. In order to pay a portion of the cost of acquiring the Project, there are hereby authorized to be issued, sold and delivered the \$1,200,000.00 aggregate principal amount Economic Development Revenue Bonds Don Ayres Pontiac, Inc. and Paul A. Bradtmiller Project of the City. It is hereby recognized that pursuant to the terms of the Lease Agreement, the balance of the proceeds of additional parity bonds (the "Additional Bonds") as identified in the Indenture.

SECTION 4. Definitions. In addition to the words and terms defined in this Bond Resolution, the words and terms used in this Bond Resolution shall have the meanings set forth in the Indenture, the Lease Agreement and unless the context or use indicates another or different meaning or intent and the form of the Bond and the form of the Lease Agreement and Indenture, which forms are before this meeting are hereby incorporated by reference in this Bond Resolution and the Clerk is hereby directed to insert them into the minutes of the Common Council to keep them on file.

SECTION 5. Terms for the Bonds. The total principal amount of Bond that may be issued is hereby expressly limited to \$1,200,000.00, provided, however, that additional bonds may be issued as hereinafter provided.

The bond shall be subject to redemption prior to maturity upon the terms and as provided in the Indenture.

The bond shall be executed on behalf of the City with the official manual or facsimile signature of the Mayor and attested with the official manual

or facsimile signature of the Clerk and shall have impressed or imprinted thereon the corporate seal of the City. The coupons attached to the Bond, if any, shall be executed by the facsimile of the official signature of the Mayor and Clerk and such facsimile on any Bond or coupons shall have the same force and effect as if manually signed by such officer. The Bond, together with interest thereon, shall be limited obligations of the City payable solely from the revenues and other amounts derived from the Project (except to the extent paid out of monies attributable to the Bond proceeds or the income from the temporary investment thereof and under certain circumstances, proceeds from insurance and condemnation awards) and shall be a valid claim of the respective holders thereof only against the Bond fund created under the Indenture and other moneys held by the Trustee and of the Project (but in addition shall be secured by a first mortgage lien on the Project), which revenues and other amounts shall be pledged and secured under the Indenture for the equal and ratable payment of the Bond and shall be used for no other purpose than to pay the principal of, premium, if any, and the interest on the Bond, except as may be otherwise expressly authorized in the Indenture. The Bond and the interest thereon shall never constitute a charge against the general credit or taxing power of the City. In case any officer whose signature or facsimile of whose signature shall appear on the bond or coupons shall cease to be such officer before the delivery of such Bond, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until delivery.

SECTION 6. Additional Bonds. The City may authorize the issuance of Additional Bonds upon the terms and conditions provided the same rank as the Bond, but shall bear such date or dates, bear such interest rate or rates, have such maturity dates, redemption dates and redemption premiums, and be issued such prices as shall be approved in writing by the City and the Company.

SECTION 7. Sale of the Bond. The Mayor and Clerk of the City are hereby authorized and directed to sell the Bond. The Mayor is hereby authorized to execute and the Clerk is hereby authorized to attest, the Underwriting Agreement in the form submitted to this meeting and approved hereby, in the minutes of this Common Council and to certify thereon that the same is the form of such instrument submitted to this Common Council approved hereby, and identified herein as the Underwriting Agreement, and to keep the same on file.

SECTION 8. Indenture. In order to secure the payments of the principal of and interest on the Bond, the Mayor and Clerk shall execute, acknowledge and deliver in the name on behalf of the City, a Mortgage and Indenture of Trust, herein identified as and called the Indenture, in the form submitted to this Common Council, which is hereby approved in all respects and the Clerk is hereby directed to insert a copy thereof in the form submitted to this meeting and approved hereby, in the minutes of this Common Council and to certify thereon and the same is the form of Indenture so submitted to this Common Council and approved by this Bond Resolution and identified

herein as the Indenture and to keep such Indenture on file. Said Indenture contains provisions authorized and permitted by the Act, and this Bond Resolution shall constitute a part hereof as therein provided and for all purposes of said Indenture, including the provision thereof relating to amendments and the severability of provisions of the Indenture.

SECTION 9. General. The Mayor and Clerk be and they are each hereby authorized and directed, in the name of and on behalf of the City to execute any and all instruments, perform any and all acts, approve any of them, to be necessary or desirable in order to carry out the purposes of this Bond Resolution (including the preambles hereto), the acquisition of the Project by the Company, the issuance and sale of the Bond and the securing of the Bond under the Indenture.

All documents before this meeting, including the Indenture and the Lease Agreement are subject to completion in conformity with this Bond Resolution. The Mayor and the Clerk, and each of them is hereby authorized to execute and deliver said Indenture and Lease Agreement in substantially the form of said documents before this Common Council, on behalf of the City, which such changes therein as such official with the advise of counsel may determine, as conclusively evidenced by his execution thereof, to be advisable and in the best interest of the City and in conformance with the Bond Resolution.

SECTION 10. Prior Proceedings. All action taken by the Commission in connection with the Project is, to the extent not inconsistent with the Bond Resolution, ratified and confirmed and incorporated herein.

SECTION 11. Recognition of New Legislation. It is hereby recognized that pursuant to Senate Enrolled Act No. 325, the Act became effective upon its approval by the Governor on April 23, 1973, and that pursuant to Section 3 of said Act No. 325, the Commission created by Special Ordinance No. S-19-72 of the City continues with the powers and duties of a "development commission" under the Act.

SECTION 12. Effective Date. This Bond Resolution shall be in full force and effect immediately upon its adoption by the Common Council and approval by the Mayor.

Vivian G. Schmidt  
Councilwoman

Read the first time in full and on motion by V. Schmidt, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 2-13-79

Charles W. Westerman  
City Clerk

BILL NO. R-79-02-25

RESOLUTION NO. R-

A RESOLUTION IN OPPOSITION TO HOUSE  
BILL NO. 1631 WHICH WOULD DELETE THE  
REQUIREMENT OF DOCKETING CLAIMS  
WITH THE CITY CLERK

WHEREAS, Indiana Code Section 18-1-20-1 requires that each claim against the city be itemized, verified, filed with the City Clerk, and placed upon the Claim Docket at least five (5) days before it is allowed; and

WHEREAS, the present State law further requires the Clerk to enter each claim by the name of the claimant, amount claimed, purpose, and date filed; and

WHEREAS, this procedure does not cause undue delay, but rather provides a mechanism for inspection by all taxpayers; and

WHEREAS, House Bill No. 1631 would eliminate a vital check and balance system which has operated effectively since its creation.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. The Common Council believes that the present claim docketing procedure set forth in Indiana Code Section 18-1-20-1 provides an efficient mechanism for docketing and reviewing all claims within the City.

SECTION 2. House Bill No. 1631 should be defeated since it eliminates a proven and necessary check and balance system within the City.

SECTION 3. This Resolution shall be in full force and effect from and after its adoption by the Common Council.

John Nuckols  
Councilman

Read the first time in full and on motion by Nuckols, seconded by STier, and duly adopted, read the second time by title and referred to the Committee on Regulations

Date: 2-13-79

Charles W. Westerman  
City Clerk

BILL NO. X-79-02-17

ANNEXATION ORDINANCE NO. X-

AN ORDINANCE annexing certain territory to the City of Fort Wayne and including the same in Councilmanic District No. 2, and repealing Annexation Ordinance X-04-65, effective December 31, 1979

WHEREAS, since the passage of Annexation Ordinance X-04-65, certain annexation statutes were enacted by the 1969 General Assembly of Indiana, which are more effective than past statutes; and

WHEREAS, the City of Fort Wayne is desirous of annexing the territory covered in Ordinance X-04-65 pursuant to the said 1969 annexation statutes, rather than under prior annexation statutes;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same is hereby annexed to and made part of the corporation of the City of Fort Wayne, Indiana, effective December 31, 1979, to-wit:

Part of Section 29, part of the West 1/2 of Section 28, part of the Northeast 1/4 of Section 30, part of the Southeast 1/4 of Section 20, and part of the Southwest 1/4 of Section 21, T-31-N, R-13-E.

Commencing at the intersection of the North right-of-way line of Trier Road with the West right-of-way line of Hobson Road; thence East along the North right-of-way line of Trier Road to its intersection with the West right-of-way line of Reed Road; thence South along the West right-of-way line of Reed Road to the South right-of-way line of Trier Road; thence East along the South right-of-way line of Trier Road to the East right-of-way line of Reed Road; thence North along the East right-of-way line of Reed Road to its intersection with the North right-of-way line of State Road #37 (Stellhorn Road); thence west along the North right-of-way line of State Road #37 (Stellhorn Road) to its intersection with the East line of Southwest Quarter of Section 20, Township

31 North, Range 13 East; thence South along said line to its intersection with the South right-of-way line of State Road #37 (Stellhorn Road); thence West along the South right-of-way line of State Road #37 (Stellhorn Road) to the West right-of-way line of Hobson Road; thence South along the West right-of-way line of Hobson Road to the North right-of-way line of Trier Road, to the point of beginning, containing approximately 320 acres, more or less.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above-described territory, within a period of three (3) years, governmental and proprietary services substantially equivalent in standard and scope to the governmental and proprietary services furnished by the annexing city to other areas of the city which have characteristics of topography, patterns of land utilization and population density similar to said described territory.

SECTION 3. Governmental and proprietary services which will be provided to the described territory are outlined in the fiscal plan for the territory developed by the Department of Community Development and Planning, which plan is examined, approved and adopted by the Common Council prior to the passage of this ordinance.

SECTION 4. Said annexed territory shall be part of Councilmanic District No. 2 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article II of the City of Fort Wayne, Indiana, 1974.

SECTION 5. After its passage, approval by the Mayor and final publications, this ordinance shall be in full force and effect on December 31, 1979.

James S. Stier  
Councilman

Read the first time in full and on motion by Stier, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Annexation and to the City Plan Commission for recommendation

Date: 2-13-79

Charles W. Westerman  
City Clerk

BILL NO. A-79-01-19

AN ORDINANCE appropriating funds from  
Cumulative Capital Improvement Fund No. 345  
per Senate Enrolled Act 159 (1977) to the  
City of Fort Wayne's General Fund No. 010

The above bill is being held for further discussion at the next Common Council meeting, and will be brought up for consideration at the February 27, 1979 Common Council meeting.

Date: 2-13-79

Charles W. Westerman  
City Clerk

BILL NO. S-79-01-01

#### REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance approving an agreement to purchase Real Estate from Ron W. Bassett for Neighborhood Care, Inc., have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance BE WITHDRAWN.

Concurred in 2-13-79

Charles W. Westerman  
City Clerk

BILL NO. S-79-01-03

#### REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance approving an Agreement to purchase Real Estate from Ron. W. Bassett for Neighborhood Care, Inc., have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance BE WITHDRAWN

Concurred in 21-13-79 Charles W. Westerman  
City Clerk

BILL NO. S-79-01-20

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance approving Change Order No. 3 in connection with "The Landing" have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Vivian G. Schmidt  
William T. Hinga  
James S. Stier  
John Nuckols  
Donald J. Schmidt

Concurred in 2-13-79 Charles W. Westerman  
City Clerk

BILL NO. S-79-01-20

SPECIAL ORDINANCE NO. S-25-79

AN ORDINANCE approving Change Order  
No. 3 in connection with "The Landing"

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 3 to Brooks Construction Co., Inc. in connection with Improvement Resolution No. 5796-78, "The Landing", for:

reinforcement of the basement walls of several structures on "The Landing" which were judged by project engineer to be structurally unsafe in order to proceed with original plans,

in the amount of \$13,790.03, as set out in the specifications, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Vivian G. Schmidt  
Councilwoman



Read the third time in full and on motion by V. Schmidt, seconded by Nuckols and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,  
V. Schmidt, Stier, Talarico

Nays: None

Date: 2-13-79

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-25-79 on the 13th day of February, 1979.

ATTEST:

(SEAL)

Charles W. Westerman  
City Clerk

Winfield C. Moses, Jr.  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of February, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 20th day of February, 1979, at the hour of 3:00 o'clock P.M.,E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. R-79-02-02

RESOLUTION NO. R- 04-79

A RESOLUTION authorizing payment to  
various agencies for repair of various  
vehicles

WHEREAS, (1) the following City vehicles were damaged in accidents, and (2) insurance monies in reimbursement for such damages have been received and receipted by the City Controller in the amounts hereafter listed, and (3) repair bids received from the following companies in the amount of such insurance damage payments as hereafter set out, respectively, to wit:

	<u>Vehicle</u>	<u>Insurance Payment</u>	<u>Repair Agency</u>
1)	Police Dept. unit No. 33, 1978 Ford 4 door sedan License Plate #MO11133	\$ 86.00	Allen County Motors
2)	Police Dept. unit No. 17 1977 Plymouth 4 door sedan License Plate #MO11117	750.00	Allen County Motors
3)	Street Dept. unit No. 259, 1975 Ford Truck License Plate #MO24413	456.95	Allen County Motors
4)	EMS unit No. 10, 1975 Dodge Van License Plate #MO25028	372.41	Auto Collision Service
5)	Police Dept. unit No. 5 1978 Ford 4 door sedan License Plate #11105	174.50	Northway Chrysler
6)	Traffic Engineering unit No. 23 1976 Ford Van License Plate #MO0	89.48	Dave McIntire Ford

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TOTAL \$1,929.34

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amounts to the above named agencies, for vehicle repair work as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt  
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,  
V. Schmidt, Stier, Talarico

Nays: None

Date: 2-13-79

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-04-79 on the 13th day of February, 1979.

ATTEST:

(SEAL)

Charles W. Westerman  
City Clerk

Winfield C. Moses, Jr.  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of February, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 20th day of February, 1979, at the hour of 3:00 o'clock P.M.,E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. R-79-01-26 (AS AMENDED)

#### REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance Approving Section 8 Existing Project have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS (AS AMENDED)

John Nuckols  
Samuel J. Talarico  
Vivian G. Schmidt  
James S. Stier  
William T. Hinga

Concurred in 2-13-79 Charles W. Westerman  
City Clerk

BILL NO. R-79-01-26 (AS AMENDED)

RESOLUTION NO. R-05-79

A RESOLUTION approving Section 8  
Existing Project

WHEREAS, The Housing Authority of the City of Fort Wayne, Indiana, (hereinafter called "Housing Authority"), proposes to operate a project under the Housing Assistance Payments Program of Section 8 Existing Housing of the United States Housing Act of 1937 as amended (hereinafter called "U.S. Housing Act"); and

WHEREAS, pursuant to Indiana's Housing Authorities Act as amended, the Housing Authority may not initiate a project until it is approved by the local governing body which activated the Housing Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a project, which will be operated by the Housing Authority pursuant to the Housing Assistance Payments Program of Section 8 of the U.S. Housing Act and which will include assistance on behalf of up to approximately 702 eligible families and elderly persons, an increase over our present allotment of 552 units by 150 units - One-Hundred (100) units proposed for family allotment within the City Limits of Fort Wayne, Indiana, and Fifty (50) units for Elderly, to be located within the city limits of the City of Fort Wayne, Indiana, is hereby approved.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

Samuel J. Talarico  
Councilman

Read the third time in full and on motion by Nuckols, seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,  
V. Schmidt, Stier, Talarico

Nays: None

Date: 2-13-79

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-05-79 on the 13th day of February, 1979.

ATTEST:

(SEAL)

Charles W. Westerman  
City Clerk

Winfield C. Moses, Jr.  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of February, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 20th day of February, 1979, at the hour of 3:00 o'clock P.M.,E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. Z-78-10-35

#### REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. N-34 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

John Nuckols  
Samuel J. Talarico  
Vivian G. Schmidt  
James S. Stier  
William T. Hinga

Concurred in 2-13-79 Charles W. Westerman  
City Clerk

BILL NO. Z-78-10-35

ZONING MAP ORDINANCE NO. Z-09-79

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. N-34

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated  
a E1B District under the terms of Chapter 33, Municipal Code of the City of  
Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map  
No. N-34, referred to therein, established by Section 33-11, of said Chapter  
are hereby changed accordingly, to wit:

The South 180 feet of the North 872 feet of  
the West 200 feet of the South 45 acres of  
the West one-half of the Northwest Quarter  
of Section 24, in Township 31 North, Range  
12 East, Allen County, Indiana

and

The South 60 feet of the North 691.5 feet  
of the West 200 feet of the South 45 acres  
of the West half of the Northwest Quarter  
of Section 24, in Township 31 North, Range  
12 East, Allen County, Indiana

and

The South 52 feet of the North 452 feet of  
the West 200 feet of the South 45 acres of  
the West half of the Northwest Quarter of  
Section 24, in Township 31 North, Range 12  
East, Allen County, Indiana

and

The South 79.5 feet of the North 531.5 feet  
of the West 200 feet of the South 45 acres  
of the West half of the Northwest Quarter  
of Section 24, in Township 31 North, Range  
12 East, Allen County, Indiana

and

The South 100 feet of the North 631.5 feet  
of the West 200 feet of the South 45 acres  
of the West half of the Northwest Quarter  
of Section 24, in Township 31 North, Range  
12 East, Allen County, Indiana.

SECTION 2. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Vivian G. Schmidt  
Councilwoman

Read the third time in full and on motion by Nuckols, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,  
V. Schmidt, Talarico

Nays: ONE  
Stier

Date: 2-13-79

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-09-79 on the 13th day of February, 1979.

ATTEST:

(SEAL)

Charles W. Westerman  
City Clerk

Winfield C. Moses, Jr.  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of February, 1979, at the hour of 11:30 o'clock A.M.E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 20th day of February, 1979, at the hour of 3:00 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor

BILL NO. Z-78-12-06

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. L-10 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance BE WITHDRAWN

John Nuckols  
Samuel J. Talarico  
Vivian G. Schmidt  
James S. Stier  
William T. Hinga

Concurred in 2-13-79 Charles W. Westerman  
City Clerk

BILL NO. G-78-10-07

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending General Ordinance No. G-97 by authorizing the vacation of a certain street have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS